

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES 1934

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Washington, Thursday, February 24, 1944

The President

EXECUTIVE ORDER 9426

AUTHORIZING THE SECRETARY OF WAR TO TAKE POSSESSION OF AND OPERATE THE PLANTS, FACILITIES, INSTALLATIONS AND OTHER PROPERTIES IN CALIFORNIA AND NEVADA OF THE DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES, CALIFORNIA

WHEREAS after investigation I find that as the result of labor disturbances there is an interruption of the operation of the power plants, water works and distribution system of the Department of Water and Power of the City of Los Angeles, California, and that the war effort is being and will be unduly impeded or delayed by this interruption.

NOW, THEREFORE, by virtue of the power and authority vested in me by the Constitution and laws of the United States, including the War Labor Disputes Act of June 25, 1943, (Public Law 89; 78th Cong.) as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of War is hereby authorized to take possession of the water works, water production and water distribution facilities, power generating stations, distribution, transmission and communications systems, and other plants, facilities, installations and properties in the States of California and Nevada, of the said Department of Water and Power of the City of Los Angeles, California, in which strikes or labor disturbances have occurred or are threatened, together with any real or personal property, tangible or intangible, franchises, rights and other assets used in connection with the operation thereof; and to operate or arrange for the operation of such plants, facilities, installations and properties in such manner as he deems necessary for the successful prosecution of the war, and to do all

things necessary for or incidental to the operation thereof.

2. In carrying out this order, the Secretary of War may act through or with the aid of such public or private instrumentalities or persons as he may designate. All federal agencies, including but not limited to the War Manpower Commission, the National Selective Service System, and the Department of Justice, are directed to cooperate with the Secretary of War to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of War shall permit the managements of the said plants, facilities, installations and properties taken under the provisions of this order to continue with their managerial functions to the maximum degree possible consistent with the aims of this order.

4. The Secretary of War shall operate the plants, facilities, installations and properties under the terms and conditions of employment which are in effect at the time possession thereof is taken, subject to the applicable provisions of any existing law.

5. The Secretary of War is authorized to take such action, if any, as he may deem necessary or desirable to provide protection for the said plants, facilities, installations and properties, and for all persons employed or seeking employment therein, and their families and homes.

6. Possession, control and operation of any plants, facilities, installations and properties, or parts thereof, taken under this order, shall be terminated by the Secretary of War within sixty days after he determines that the efficiency of the plants, facilities, installations and properties has been restored to the level prevailing prior to the interruption referred to in the recital of this order.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
February 23, 1944.

[F. R. Doc. 44-2618; Filed, February 23, 1944;
2:27 p. m.]

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per book. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
Book 2: Titles 4-9, with index.

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Regulations

TITLE 26—INTERNAL REVENUE.
Chapter I—Bureau of Internal Revenue
Subchapter A—Income and Excess-Profits Taxes [T.D. 5332]
PART 29—INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941
EXTENSION OF TIME FOR FILING DECLARATION AND PAYING FIRST INSTALLMENT OF ESTIMATED 1944 TAX

In the case of a taxpayer otherwise required under section 58 of the Internal Revenue Code, as added by section 5 of the Current Tax Payment Act of 1943, to make and file a declaration of estimated tax on or before March 15, 1944, for the calendar year 1944, an extension of time up to and including April 15, 1944, is hereby granted for making and filing such declaration and for paying (without interest) the first installment of estimated tax for such calendar year.

(Sec. 58 (e) of the Internal Revenue Code, added by sec. 5 of the Current Tax Payment Act of 1943 (Pub. Law 68, 78th Cong.), approved June 9, 1943)

[SEAL] HAROLD N. GRAVES,
Acting Commissioner
of Internal Revenue.
Approved: February 16, 1944.
JOHN L. SULLIVAN,
Acting Secretary of the Treasury.
[F. R. Doc. 44-2608; Filed, February 23, 1944;
11:18 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 644—MINIMUM WAGE RATE IN THE MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 61

Whereas, on June 16, 1943, by Administrative Order No. 201, the Administrator, acting pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and directed the Committee to recommend minimum wage rates for the Meat, Poultry, and Dairy Products Industry in accordance with section 8 of the Act; and

Whereas the Committee included seven disinterested persons, representing the public, a like number of persons representing employers in the Meat, Poultry, and Dairy Products Industry, and a like number representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Meat, Poultry, and Dairy Products Industry is carried on; and

Whereas Industry Committee No. 61, on July 14, 1943, after investigation of conditions in the Industry, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the Meat, Poultry, and Dairy Products Industry; and

Whereas after notice published in the FEDERAL REGISTER on August 7, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing on August 24, 1943 at New York, New York, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

Whereas pursuant to notice published in the FEDERAL REGISTER on August 28, 1943, all persons who appeared at the hearing were given leave to file briefs on or before September 14, 1943; and

Whereas the Administrator upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for a minimum wage rate for the Meat, Poultry, and Dairy Products Industry as defined in Administrative Order No. 201 is made in ac-

cordance with law, is supported by the evidence adduced at the hearing and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 61 for a Minimum Wage rate in the Meat, Poultry, and Dairy Products Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York;

Now, therefore, It is ordered, That:

Sec.

644.1 Approval of recommendation of Industry Committee No. 61.

644.2 Wage rate.

644.3 Posting of notices.

644.4 Definition of the Meat, Poultry, and Dairy Products Industry.

644.5 Scope of the definition.

644.6 Effective date.

AUTHORITY: §§ 644.1 to 644.6, inclusive, issued under sec. 8, 52 Stat. 1060, 1064; 29 U.S.C., sec. 208.

§ 644.1 *Approval of recommendation of Industry Committee No. 61.* The Committee's recommendation is hereby approved.

§ 644.2 *Wage rate.* Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Meat, Poultry, and Dairy Products Industry who is engaged in commerce or in the production of goods for commerce.

§ 644.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Meat, Poultry, and Dairy Products Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 644.4 *Definition of the Meat, Poultry, and Dairy Products Industry.* The Meat, Poultry, and Dairy Products Industry, to which this order shall apply, is hereby defined as follows:

The assembling, processing, and marketing of meat animals and meat animal products, poultry and poultry products, and dairy products.

a. It includes, but without limitation, any product or by-product obtained from livestock, poultry, wild fowl and game (including meats, milk, and eggs) and any other product which is derived from any other form of animal life (such as fish, reptiles, and frogs), and which is assembled, processed or marketed for animal or human consumption.

b. *Provided, however,* That the definition shall not include:

(1) Storing performed by an independent warehouse.

(2) Any product included in the Leather Industry; Drug, Medicine, and Toilet Preparations Industry (as defined in the wage orders for these industries); or in the Canned Fruits and Vegetables and Related Products Industry; and the Chemical, Petroleum and Coal Products, and Allied Manufacturing In-

dustries (as defined in Administrative Orders Nos. 182 and 193 respectively).

§ 644.5 *Scope of the definition.* The definition of the Meat, Poultry, and Dairy Products Industry covers all occupations in the industry which are necessary to the production of the articles or the operations specified therein including clerical, maintenance, shipping and selling occupations: *Provided, however,* The definition does not cover such clerical, maintenance, shipping and selling occupations (a) when carried on in an establishment or department exclusively engaged in wholesaling or selling, the greater part of the sales of which establishment or department are sales of products which are not included in this industry; and (b) when carried on exclusively in connection with the sale of articles not included in this industry: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek, unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 644.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2538; Filed, February 23, 1944; 9:19 a. m.]

PART 648—MINIMUM WAGE RATE IN THE BAKERY, BEVERAGE, AND MISCELLANEOUS FOOD INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 65

Whereas on August 21, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, hereinafter referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 213, appointed Industry Committee No. 65 for the Bakery, Beverage, and Miscellaneous Food Industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Bakery, Beverage, and Miscellaneous Food Industries in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Bakery, Beverage, and Miscellaneous Food Industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Bakery, Beverage, and Miscellaneous Food Industries are carried on; and

Whereas on September 10, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Bakery, Beverage, and Miscellaneous Food Industries; and

Whereas after notice duly published in the FEDERAL REGISTER on October 5, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on October 28, 1943, at which all interested persons, were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Bakery, Beverage, and Miscellaneous Food Industries, as defined by Administrative Order No. 213, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 65 for a Minimum Wage Rate in the Bakery, Beverage, and Miscellaneous Food Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

Now, therefore, it is ordered, That:

Sec.

648.1 Approval of recommendation of Industry Committee No. 65.

648.2 Wage rate.

648.3 Posting of notices.

648.4 Definition of the Bakery, Beverage, and Miscellaneous Food Industries.

648.5 Scope of the definition.

648.6 Effective date.

AUTHORITY: §§ 648.1 to 648.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., sec. 203.

§ 648.1 *Approval of Recommendation of Industry Committee No. 65.* The Committee's recommendation is hereby approved.

§ 648.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Bakery, Beverage, and Miscellaneous Food Industries.

§ 648.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Bakery, Beverage, and Miscellaneous Food Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

§ 648.4 *Definition of the Bakery, Beverage, and Miscellaneous Food Industries.* For the purpose of this order the

term "Bakery, Beverage, and Miscellaneous Food Industries" means:

The manufacture or packaging of bakery products, beverages, ice, and miscellaneous food products and preparations.

a. It includes, but without limitation, bread, pastries, crackers, and pretzels; macaroni and other alimentary pastes; alcoholic and nonalcoholic beverages; natural, mineral, and carbonated waters; malt; baking powder, yeast, and other leavening compounds; corn syrup and corn sugar; starch; ice (including the harvesting of natural ice); coffee and tea; spices; ready-to-mix desserts with corn starch, tapioca, or gelatin bases; and potato chips.

b. *Provided, however*, That the definition shall not include any product the manufacture of which is covered by the definition of an industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 648.5 *Scope of the definition.* The definition of the Bakery, Beverage, and Miscellaneous Food Industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That the definition does not cover (a) such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department, physically segregated from other departments of an establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which are resold in the form in which purchased; and (b) employees engaged exclusively in clerical, maintenance, selling or shipping operations on articles purchased for resale in the form in which purchased: *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 648.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2599; Filed, February 23, 1944;
9:19 a. m.]

PART 649—MINIMUM WAGE RATE IN THE METAL ORE, COAL, PETROLEUM, AND NATURAL GAS EXTRACTION INDUSTRIES

RECOMMENDATION OF INDUSTRY COMMITTEE NO. 66

Whereas on August 31, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 214, appointed Industry Committee No. 66 for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, herein called the Committee, and directed the Committee to recom-

mend minimum wage rates for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries are carried on; and

Whereas on September 29, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries; and

Whereas after notice duly published in the FEDERAL REGISTER on October 23, 1943, Mr. Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on November 18, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries, as defined by Administrative Order No. 214, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 66 for a Minimum Wage Rate in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

Now, therefore, it is ordered, That:

Sec.

649.1 Approval of recommendation of Industry Committee No. 66.

649.2 Wage rate.

649.3 Posting of notices.

649.4 Definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.

649.5 Scope of the definition.

649.6 Effective date.

AUTHORITY: §§ 649.1 to 649.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C., Supp. IV, sec. 208.

§ 649.1 *Approval of recommendation of Industry Committee No. 66.* The

Committee's recommendation is hereby approved.

§ 649.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.

§ 649.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 649.4 *Definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries.* For the purposes of this order the term "Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industries" means:

The production, including mining or other extraction, of metal ores, coal, lignite, peat, crude petroleum, and natural gases.

a. It includes, but without limitation, the dressing, beneficiating, and concentrating of metal ores and the breaking, washing, screening, pulverizing or drying of coal, lignite or peat.

b. *Provided, however*, That the definition shall not include any product or operation included in the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in the wage order for that industry); or in the Stone, Clay, Glass, and Allied Industries or the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries (as defined in Administrative Orders Nos. 192 and 193 respectively).

§ 649.5 *Scope of the definition.* The definition of the Metal Ore, Coal, Petroleum, and Natural Gas Extraction Industry covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That this definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department, physically segregated from the other departments of an establishment the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale: *And provided, further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 649.6 *Effective date.* This wage order shall become effective March 20, 1944.

Signed at New York, New York, this 11th day of February 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-2600; Filed, February 23, 1944;
9:19 a. m.]

TITLE 32—NATIONAL DEFENSE
Chapter VI—Selective Service System
 [Amdt. 214]

PART 601—DEFINITIONS
"GOVERNOR" AND "STATE"

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 601.6 to read as follows:

§ 601.6 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Governor of Puerto Rico, the Commissioners of the District of Columbia, and the Governor of the Virgin Islands of the United States.

2. Amend § 601.14 to read as follows:

§ 601.14 *State.* The word "State" includes, where applicable, the several States of the United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands of the United States.

The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 19, 1944.

[F. R. Doc. 44-2588; Filed, February 22, 1944;
 4:05 p. m.]

Chapter IX—War Production Board

Subchapter C—Director, Office of War Utilities
 Authority: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 678, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3668, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Supplementary Utilities Order U-1-1]

§ 4500.10 *Supplementary Utilities Order U-1-1.* In accordance with the provisions of paragraph (i) of Utilities Order U-1, extensions of electric facilities may be made or connected by producers to permit the operation of irrigation water pumps when all of the following conditions are satisfied:

(a) The prospective consumer possesses an electrically driven irrigation water pump not smaller than 25 g. p. m., or can obtain such a pump without priorities assistance, or a preference rating of AA-5 or better has been assigned to delivery of such a pump to him.

(b) There is no other means of operating such a pump on the premises.

(c) The total cost of material for the extension, exclusive of any part built by or for the consumer, does not exceed \$1500. No job or project may be subdivided to come within these limits.

(d) No other producer can render the same service with lesser amounts of critical material.

(e) The extension is necessary to provide irrigation for not less than 5 acres of land.

(f) The prospective consumer's application for service is accompanied by a certification from his County Agricultural Conservation Committee in substantially the following form:

(To the Utility Addressed):

Mr. _____ is eligible under Supplementary Utilities Order U-1-1 for an electric connection to provide service for an electrically driven irrigation water pump not smaller than 25 g. p. m. In the opinion of this County Agricultural Conservation Committee, this connection will result in the irrigation of not less than five acres of land and a substantial increase in farm production, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-1.

(For County Agricultural
 Conservation Committee)

Issued this 23d day of February 1944.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-2606; Filed, February 23, 1944;
 11:06 a. m.]

**Chapter XI—Office of Price
 Administration**

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132, Incl. Amdt. 9]

CERTAIN RUBBER FOOTWEAR

Section 1315.73, Table II amended by Amendment 9 effective February 28, 1944, so that Maximum Price Regulation No. 132 shall read as follows:

In the judgment of the Price Administrator, the prices of rubber footwear have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of rubber footwear prevailing between October 1 and October 15, 1941, and has made adjustment for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,¹ issued by the Office of Price Administration, Maximum Price Regulation No. 132 is hereby issued.

¹ 7 F.R. 3161.

² Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

³ Revised; 7 F.R. 8901; 8 F.R. 3313, 3333, 3173, 11806; 9 F.R. 1694.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble amended by Am. 3, 8 F.R. 12332, effective 10-2-43 and Am. 6, 8 F.R. 16935, effective 12-15-43. Title as amended by Am. 6]

Sec.

- 1315.61 Maximum prices for certain sales of rubber footwear.
- 1315.61a Terms and conditions of sale.
- 1315.61b Sales for export.
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- 1315.62 Less than maximum prices.
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- 1315.70 Appendix A: Maximum prices for waterproof rubber footwear produced after February 10, 1942.
- 1315.71 Appendix B: Maximum prices for waterproof rubber footwear produced on or before February 11, 1942.
- 1315.72 Appendix C: Minimum specifications for certain types of waterproof rubber footwear.
- 1315.73 Appendix D: Maximum prices for canvas footwear.

AUTHORITY: §§ 1315.61 to 1315.73, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9259, 7 F.R. 7371; E.O. 9323, 8 F.R. 4631.

§ 1315.61 *Maximum prices for certain sales of rubber footwear.* On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver rubber footwear subject to this regulation and no person shall buy or receive rubber footwear subject to this regulation from a manufacturer in the course of trade or business, at prices higher than the maximum prices set forth in this regulation; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of rubber footwear subject to this regulation to a purchaser if prior to May 11, 1942, such rubber footwear subject to this regulation had been received by a carrier, other than a carrier owned or controlled by the seller for shipment to such purchaser. The provisions of this section shall not be applicable to sales or deliveries of rubber footwear subject to this regulation pursuant to contracts with any war procurement agency of the United States government, or with any person who contracts to sell the purchased rubber footwear subject to this regulation to any war procurement agency of the United States government.

[§ 1315.61 amended by Amendment 1, 7 F.R. 4234, effective 6-4-42 and Am. 6, 8 F.R. 16935, effective 12-15-43]

[Note: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1315.61a *Terms and conditions of sale*—(a) *Credit charges*. The maximum prices established by this regulation shall not be increased by any charges for the extension of credit, unless (1) the manufacturer during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales of the same or similar types of commodities, and (2) the amount charged for the extension of credit is not in excess of the charge the manufacturer had in effect during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, for extension of credit involving the same amount and term.

(b) *Transportation costs*. No manufacturer shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery of rubber footwear subject to this regulation than the manufacturer required purchasers of the same class to pay during December 1941, or, if the manufacturer was not producing a particular type of rubber footwear in December 1941, during the first month prior thereto but not earlier than January 1941 in which he was producing such footwear, on deliveries of the same or similar types of commodities.

(c) *Service charges*. The maximum prices established by this regulation shall not be increased by any service charges, except that a service charge of 5 cents a pair may be added to the maximum price on all orders of six pairs or less.

§ 1315.61b *Sales for export*. The maximum price at which a manufacturer may make any export sales of any rubber footwear subject to this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation⁴ or any revisions thereto. When used in this section the phrase "export sales" has the meaning given to it by section 11 (a) of the Second Revised Maximum Export Price Regulation.

§ 1315.61c *Federal and state taxes*. Any tax upon or incident to, the sale,

delivery or processing of rubber footwear subject to this regulation imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the manufacturer's maximum price: If the statute or ordinance imposing such tax does not prohibit the manufacturer from stating and collecting the tax separately from the purchase price, and the manufacturer does separately state it, the manufacturer may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the manufacturer by the vendor from whom he purchased.

[§§ 1315.61a, 1315.61b, and 1315.61c added by Am. 3, 8 F.R. 12302, effective 10-2-43; amended by Am. 6, 8 F.R. 16685, effective 12-15-43]

§ 1315.61d *Transfers of business or stock in trade*. If the business, assets or stock in trade are sold or otherwise transferred after May 11, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

[§ 1315.61d added by Am. 3, 8 F.R. 12302, effective 10-2-43]

§ 1315.62 *Less than maximum prices*. Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

[§ 1315.62 as amended by Am. 6, 8 F.R. 16685, effective 12-15-43]

§ 1315.63 *Adjustable pricing*. No person subject to the provisions of this Maximum Price Regulation No. 132 shall enter into any agreement permitting the adjustment of the prices of rubber footwear subject to this regulation, to prices which may be higher than the maximum prices, except that any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1315.64 *Evasion*. The price limitations, set forth in this Maximum Price Regulation No. 132 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to rubber footwear subject to

this regulation, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

[§§ 1315.63 and 1315.64 as amended by Am. 6]

§ 1315.65 *Records*. Every person making a sale or purchase of rubber footwear subject to this regulation after May 10, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, complete and accurate records of each such sale or purchase showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each type, kind, size and quality of rubber footwear subject to this regulation, sold or purchased.

[§ 1315.65 amended by Am. 3, 8 F.R. 12302, effective 10-2-43, and Am. 6, effective 12-15-43]

§ 1315.65a *Reports*. (a) If any manufacturer begins producing any type of rubber footwear subject to this regulation for the first time after May 10, 1942, such manufacturer shall submit data as to physical properties of such rubber footwear subject to this regulation to the Rubber Price Branch, Office of Price Administration, in Washington, D. C., within fourteen days after he begins such production.

(b) Before or at the time of, first offering to sell any rubber footwear subject to this regulation which must be priced under paragraph (b) of § 1315.70 or paragraph (b) of § 1315.73 the manufacturer shall file with the Rubber Price Branch, Office of Price Administration in Washington D. C., a report with respect thereto which shall include the following:

(1) A description in detail of the rubber footwear subject to this regulation;
(2) A statement of the reasons why the rubber footwear subject to this regulation must be priced under paragraph (b) of § 1315.70 or paragraph (b) of § 1315.73;

(3) A unit cost analysis of the rubber footwear subject to this regulation, including direct labor costs, direct materials costs, factory overhead costs and selling and administrative costs;

(4) Detailed data as to physical properties of the rubber footwear subject to this regulation;

(5) The proposed maximum price for each class of purchasers;

(6) The method by which that price was determined; and

(7) A statement of the reasons why he believes that the proposed maximum price is in line with the level of prices established by this regulation.

[§ 1315.65a added by Am. 3, 8 F.R. 12302, effective 10-2-43; amended by Am. 6, 8 F.R. 16685, effective 12-15-43]

§ 1315.66 *Enforcement*. (a) Persons violating any provisions of this Maximum Price Regulation No. 132 are subject to the criminal penalties, civil enforcement actions, and suits for treble dam-

⁴ 8 F.R. 13240.

⁴ 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

ages provided for by the Emergency Price Control Act of 1942).

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 132 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.66a *Licensing.* The provisions of Licensing Order No. 1,⁸ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1315.66a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1315.67 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 132 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1315.67 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.68 *Definitions.* (a) When used in this Maximum Price Regulation No. 132 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means any person engaged in the production of rubber footwear subject to this regulation.

[Paragraph (2) as amended by Am. 6, effective 12-15-43]

(3) "Rubber" means substitute rubber and all forms and types of rubber, including synthetic, reclaimed and balata rubber.

[Paragraph (3) amended by Am. 3, 8 F.R. 12302, effective 10-2-43]

(4) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins, or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same uses as natural or synthetic rubber in the particular application in which it is applied.

(5) "Synthetic rubber" means a material obtained by chemical synthesis,

possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

[Paragraphs (4) and (5), added by Am. 3, 8 F.R. 12302, effective 10-2-43]

(6) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

[Paragraph (4) added by Amendment 1, 7 F.R. 4294, effective 6-4-42; redesignated (6) by Am. 3, effective 10-2-43]

(7) "Rubber footwear" means all rubber footwear for which maximum prices are set forth in an appendix to this regulation.

(8) "Canvas rubber footwear" means all canvas topped rubber soled shoes of vulcanized construction.

(9) "Waterproof rubber footwear" means all rubber footwear of vulcanized construction which protects shoes or feet from moisture.

[Paragraphs (7), (8) and (9) added by Am. 6, 8 F.R. 16695, effective 12-15-43]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.69 *Effective date.* This maximum Price Regulation No. 132 (§§ 1315.61 to 1315.71, inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1315.70 *Appendix A: Maximum prices for waterproof rubber footwear produced after February 10, 1942—(a) Maximum prices for waterproof rubber footwear produced after February 10, 1942, that can meet certain specifications—(1) Applicability of this paragraph.* This paragraph is applicable to the following waterproof rubber footwear:

(i) *Waterproof rubber footwear produced after October 1, 1943, that can meet the specifications set forth in Appendix C.* Specifications for certain types of footwear are set forth in Appendix C. This paragraph applies to footwear produced after October 1, 1943, which can equal or exceed those specifications.

(ii) *Waterproof rubber footwear of types listed in Appendix C that was produced between February 10, 1942, and October 2, 1943, and can meet specifications filed with the Office of Price Administration.* This paragraph is also applicable to waterproof rubber footwear of the types listed in paragraph (a) of Appendix C that was produced between February 10, 1942, and October 2, 1943. However, this paragraph is applicable to

such footwear only if it does not vary substantially from the manufacturer's specifications filed with the Office of Price Administration before May 25, 1942. A substantial variance from those specifications is a reduction in the total rubber hydrocarbon content of more than 10 percent or any other substantial change in the specifications originally filed.

(iii) *Waterproof rubber footwear of types not listed in Appendix C but which is listed in Table I of this Appendix A.* This paragraph is also applicable to waterproof rubber footwear of a type not listed in paragraph (a) of Appendix C but which is listed in Table I of this Appendix A. However, this paragraph is applicable to such footwear only if it is produced after February 10, 1942 and does not vary substantially from the manufacturer's specifications filed with the Office of Price Administration before May 25, 1942. A substantial variance from those specifications is a reduction in the total rubber hydrocarbon content of more than 10 percent or any other substantial change in the specifications originally filed, except that the requirements as to rubber hydrocarbon content and the physical and chemical specifications of any compound are not applicable to any compound containing buna-S (GR-S). The provisions of paragraph (c) of § 1315.72 shall apply to footwear covered by this subdivision (iii).

[Paragraph (iii) amended by Am. 4, 8 F.R. 14153, effective 10-22-43, and Am. 5, 8 F.R. 16939, effective 12-1-43]

(2) *Maximum prices.* In order to determine his maximum price for waterproof rubber footwear covered by this paragraph (a) the manufacturer shall deduct all discounts, allowances and any other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941, from the price for the waterproof rubber footwear in question set forth in the following table:

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942

[Prices From Which Discounts Must Be Deducted]		Price per pair
Type		
Boots, other than severe occupational:		
Men's short 14"	-----	\$2.85
Men's short 15"	-----	3.00
Women's short	-----	2.45
Men's stormking	-----	4.05
Men's hip	-----	4.65
Pacs, other than severe occupational:		
Men's 12" topline pac	-----	3.20
Men's lumberman's over, half heel (rubber part only)	-----	2.10
Arctics:		
Men's 5-buckle rubber midweight bal, net lined	-----	3.40
Men's 5-buckle rubber midweight bal, fleece lined	-----	3.50
Men's 4-buckle rubber midweight bal, net lined	-----	3.00
Men's 4-buckle rubber midweight bal, fleece lined	-----	3.10
Men's 4-buckle cloth farmweight blucher	-----	3.00
Men's 4-buckle height lightweight bal, rubber:		
a. Buckle	-----	2.50
b. Strap	-----	2.45
c. Slide	-----	2.65

TABLE I—CERTAIN WATERPROOF RUBBER FOOTWEAR PRODUCED AFTER FEBRUARY 10, 1942—CON.

Type	Price per pair
Arctics—Continued.	
Boys' 3-buckle lightweight bal, rubber	\$2.25
Youths' 3-buckle lightweight bal, rubber	2.10
Women's 4-buckle lightweight bal, rubber	2.20
Women's over-the-shoe boot 10½"	2.00
Misses' over-the-shoe boot 9"	1.90
Child's over-the-shoe boot 8"	1.80
Men's 4-buckle lightweight bal, cloth	2.75
Boys' 3-buckle cloth:	
a. Cashmerette	2.20
b. Jersey	2.00
Youths' 3-buckle cloth:	
a. Cashmerette	2.00
b. Jersey	1.85
Gaiters:	
Women's 2-snap height rubber:	
a. Snap	1.25
b. Slide	1.50
Misses' 2-snap rubber	1.25
Child's 2-snap rubber	1.25
Rubbers:	
Men's work rubber, storms, and/or semi-storms	1.40
Boys' work rubbers, storms and/or semi-storms	1.35
Men's 2-buckle work rubbers	1.85
Men's storms and/or S. A. overs and clogs (full lined)	1.15
Boys' storms and overs (full lined)	1.10
Youths' storms and overs (full lined)	1.00
Women's overs (full lined)	.95
Growing girls' storms (full lined)	.95
Misses' storms (full lined)	.88
Child's storms (full lined)	.83
Women's footholds, calendered sole	.63
Rubbers, special construction:	
Men's sandal, molded	.63
Men's clog, molded	.55
Women's footholds, molded	.20
Women's footholds, latex, black, including pouch	.79
Women's footholds, latex, spotted, including pouch	.92
Severe occupational:	
Men's black short boot	3.40
Men's black short boot, steel toe	3.90
Men's black stormking boot	4.70
Men's black stormking boot, steel toe	5.20
Men's black short fire fighter boot:	
a. Duck	4.65
b. Felt	5.25
Men's black stormking fire fighter boot:	
a. Duck	6.25
b. Felt	6.85
Men's black hip and thigh boot	5.30
Men's black hip and thigh boot, steel toe	5.80
Men's black body boot	12.00
Men's black 15" lace mine pac	4.35
Men's black 15" lace mine pac, steel toe	4.85
Men's black work shoe	3.25
Men's black work shoe, steel toe	3.75
Men's black 2-buckle perfections	2.80
Men's black 10" mine pac	3.55
Men's black 10" mine pac, safety toe	3.85
Men's black 10" mine pac, steel toe	4.05
Neoprene Coated, Par-Grip Sole:	
Men's short boot, steel toe	4.65
Men's stormking, steel toe	6.20
Men's hip boot, steel toe	6.90
Men's rubber work shoe, steel toe	4.15

[Table I amended by Am. 4, 8 F.R. 14153, effective 10-22-43, and Am. 7, 9 F.R. 792, effective 1-26-44. Effective date of Am. 7 amended by Am. 8, 9 F.R. 793]

(b) *Maximum prices for waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph (a)*—(1) *Applicability of this*

paragraph. This paragraph is applicable to waterproof rubber footwear produced after February 10, 1942, which is not covered by paragraph (a). This shall include all types of footwear not listed in Table I and all footwear listed in Table I which is not covered by paragraph (a).

(2) *Maximum prices.* The maximum price of waterproof rubber footwear covered by this paragraph shall be a price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Rubber Price Branch, Office of Price Administration. A seller who seeks such an authorization shall file the report required by paragraph (b) of § 1315.65a with the Rubber Price Branch, Office of Price Administration, in Washington, D. C., before first offering to sell the waterproof rubber footwear or on October 15, 1943, whichever is the later date. Within thirty days after mailing the required report to the Rubber Price Branch, Office of Price Administration, the Rubber Price Branch, Office of Price Administration, will either approve the maximum price proposed in the report or designate in writing a different maximum price in line with the level of prices established by this regulation. If thirty days have elapsed after the mailing of the required report, without the Rubber Price Branch, Office of Price Administration, either approving the proposed maximum price or designating in writing a different maximum price, the price proposed by the manufacturer shall be the maximum price. The manufacturer may not accept payment for the waterproof rubber footwear until the proposed maximum price is approved by the Rubber Price Branch, Office of Price Administration, or thirty days have elapsed after the mailing of the required report by the manufacturer to the Rubber Price Branch, Office of Price Administration. If the Rubber Price Branch, Office of Price Administration, designates a maximum price in writing, payment may not be received at a price in excess of the price so designated.

[Paragraph (2) amended by Am. 6, 8 F.R. 16685, effective 12-15-43]

[§ 1315.70 amended by Am. 3, 8 F.R. 12302, effective 10-2-43 and as otherwise noted]

§ 1315.71 *Appendix B: Maximum prices for waterproof rubber footwear produced on or before February 11, 1942.* The maximum price for any waterproof rubber footwear, produced on or before February 11, 1942, shall be the first applicable price, among the prices set forth in the following paragraphs (a) to (c), inclusive.

(a) The price stated in the printed or typewritten schedule or price list of the manufacturer in effect on December 3, 1941, less all trade, cash, quantity, advance buying, and other discounts, freight allowances and rebates, postage allowances and rebates, and any other deductions from the list price in effect for a purchaser of the same class on December 3, 1941.

(b) The highest net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and

in a similar amount to a purchaser of the same class on December 3, 1941.

(c) The last net price at which the seller sold, contracted to sell, delivered, or transferred waterproof rubber footwear of the same kind and quality and in a similar amount to a purchaser of the same class prior to December 3, 1941.

(d) The maximum price at which a manufacturer may sell or deliver any waterproof rubber footwear, produced on or before February 11, 1942, for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

§ 1315.72 *Appendix C: Minimum specifications for certain types of waterproof rubber footwear*—(a) *What waterproof rubber footwear is covered by these specifications.* These specifications apply only to waterproof rubber footwear produced after October 1, 1943, of the following types:

- (1) Short boot, men's 14".
- (2) Farmweight cloth arctic, men's 4-buckle.
- (3) Lightweight cloth arctic, men's 4-buckle and boys' and youths' 3-buckle.
- (4) Work rubber, men's semi-storm and storm.
- (5) Dress rubber, men's and boys' storm and over (soft back only); women's over; and youths', growing girls', misses' and children's storm.
- (6) Rubber gaiter, women's, misses' and children's.
- (7) Midweight rubber arctic, men's 4-buckle.
- (8) Lightweight rubber arctic, men's 4-buckle and boys' and youths' 3-buckle.

(b) *Applicable testing methods.* Testing shall be done by the methods provided by Federal Specifications ZZ-R-601a, General Specifications for Rubber Goods (Methods of Physical Tests and Chemical Analysis).

(c) *Permitted deviations from these specifications.* (1) *Substitution of other materials for materials required by these specifications.* Substitution of other materials for the materials required by these specifications is permissible only where there is a shortage of a required material due to war restrictions on production or distribution. In the case of such a substitution the material substituted must have fairly equivalent serviceability to the required material and must serve the same use in the particular application in which it is applied. Prior to making any such substitution the manufacturer shall notify the Office of Price Administration in Washington, D. C., of the cause of the shortage of the required material for which a substitution is being made. The report shall include a full description of the substitute material. This description shall include the same type of data as these specifications include for the original material, e. g., weight, thickness, bursting point and the like. If, upon examination of the report submitted by the manufacturer, the Office of Price Administration determines either that the substitute material does not give fairly equivalent serviceability or that the shortage of the required material is not due to war restrictions on production or distribution, the Office of Price Administration will notify the manufacturer that footwear produced with the substitute

material after the date of notification will not meet these specifications.

[Text of former (c) redesignated (1) and new headnote added to (c) by Am. 5, 8 F.R. 16059, effective 12-1-43]

(2) *Tolerance for items made of buna-S (GR-S).* A minus tolerance of 15 percent or 0.005, whichever is greater, is permitted on any compound gauges containing buna-S (GR-S), providing that such gauges shall not be reduced to less than 0.015 inch and that after such reduction the item of footwear will give fairly equivalent serviceability. The minimum weight of the item of footwear may be reduced by an amount equal to the reduction in the weight of the buna-S compound used as compared with the compound used before the change-over to buna-S.

(3) *Other deviations for items made of buna-S (GR-S).* A manufacturer may deviate from these specifications on footwear made in part of buna-S (GR-S) to improve the serviceability of the footwear, or to avoid an impediment to production or distribution. If a manufacturer deviates from the specifications for any type of footwear made in part of buna-S (GR-S), he shall report to the Office of Price Administration, Washington, D. C., prior to delivery of such footwear, the exact nature of the departure from the specifications, the reasons therefor, and the anticipated period of such departure. If upon examination of the report submitted by the manufacturer, the Office of Price Administration determines that the departure does not improve the serviceability of the footwear, or does not avoid an impediment to production, the Office of Price Administration will notify the manufacturer that the footwear in question, after the date of notification, will not meet these minimum specifications.

[Paragraphs (2) and (3) added by Am. 5, 8 F.R. 16059, effective 12-1-43]

(d) *General specifications.* The following minimum requirements are applicable to all footwear covered by these specifications, except that subparagraphs (2) and (3) are not applicable to any compound containing buna-S (GR-S).

(1) *Workmanship.* The footwear shall be free from any defects in workmanship which might impair its serviceability.

(2) *Rubber Compounds.* The rubber compounds shall show on analysis the amount of rubber hydrocarbons by volume, tensile strength and elongation indicated below:

Compounds	Minimum percent of total rubber hydrocarbons by volume	Minimum pounds tensile strength per square inch	Minimum percent elongation
Outsole.....	62	1200	
Friction.....	55	1100	350
Lining.....	63	1100	350
Upper.....	65	1500	350
Inner-parts.....	62	1000	
Heel (molded).....	55	850	

The above minimum percent of total rubber hydrocarbons by volume includes the rubber hydrocarbons contained in reclaim rubber. If any change in the method of measurement of rubber hydrocarbons in reclaim rubber is adopted, the equivalent figures may be used.

(3) *Accelerated aging test.* After being subjected to a temperature of 158° F, plus or minus 2°, in air for seven days, the tensile strength shall not be less than 75 percent of its original value.

(4) *Resistance to abrasion.* When tested, as described in paragraph 8 under caption II, Physical Tests, Federal Specification ZZ-R-601a, the abrasive index of the sole compound shall be not less than 25 and the abrasive index of the molded-heel compound shall be not less than 21.

(5) *Lasts.* All footwear shall be made over each manufacturer's standard last equipment for the particular type of footwear.

(6) *Vulcanization.* All footwear shall be vulcanized under pressure to insure a compact unit.

(7) *Packaging.* All footwear shall be packed in standard commercial containers, so constructed as to insure acceptance by common or other carriers for safe transportation at the lowest rate to the point of delivery.

(8) *Brand name.* The manufacturer's brand name may be placed on the footwear.

(e) *Detailed specifications for men's 14" short boots.* In addition to the general specifications already set forth, men's 14" short boots must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the boot inside of the back shall be at least 13¾ inches.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be either frictioned on one side with the friction compound or spreader coated and calender coated with the lining compound to a thickness of at least 0.008 inch at the face of the calender.

(3) *Leg form.* The leg form shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The leg form may be omitted if the leg lining is frictioned on one side with the friction compound or spreader coated and calender coated with the lining compound to a thickness of at least 0.020 inch at the face of the calender.

(4) *Vamp form.* The vamp form shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and calender coated with the lining compound to a thickness of at least 0.015 inch at the face of the calender. The calender coating of the vamp form to a thickness of at least 0.015 inch at the face of the calender may be omitted if

either a gum inner-vamp or a toe-cap is used. If a gum inner-vamp is used, it shall be made of the inner-parts compound and shall be at least 0.015 inch thick. If a toe-cap is used, it shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and calender coated with the lining compound to a thickness of at least 0.036 inch at the face of the calender.

(5) *Counter form.* The counter form shall be made of a cotton fabric which weighs at least 5.3 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Friction back stay or friction back strip.* (When used). The friction back stay or friction back strip shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(8) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.175 inch, but it shall be at least 0.190 inch if the filler sole is used without a binder sole.

[Paragraph (8) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(9) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(10) *Gum leg cover.* The gum leg cover shall be made of the upper compound and shall be at least 0.020 inch thick.

(11) *Gum vamp.* The gum vamp shall be made of the upper compound and shall be at least 0.030 inch thick.

(12) *Gum counter.* The gum counter shall be made of the upper compound and shall be at least 0.025 inch thick.

(13) *Gum ankle.* (When used). The gum ankle shall be made of the inner-parts compound and shall be at least 0.015 inch thick. The gum ankle may be incorporated in the gum leg running.

(14) *Gum heel stay.* (When used). The gum heel stay shall be made of a compound which meets the minimum re-

quirements for the inner-parts compound and shall be 0.025 inch thick.

(15) *Gum back strip.* (When used). The friction back strip shall be covered by a gum back strip which shall be made of the upper compound and shall be at least 0.020 inch thick.

(16) *Top-bind.* The top-bind, which shall be placed at the top of the boot, shall be at least 5/16 inch wide and 0.030 inch thick. It shall be made of a compound which meets the minimum requirements for the inner-parts compound. A black enamel rivet and cap or an eyelet may be placed at the top of the boot in the back, through or below the top bind.

(17) *Heel and toe foxing.* A heel and toe knurled outside foxing or a plain inside foxing shall extend completely around the edge of the outsole. The knurled outside foxing shall be made of a compound which meets the minimum requirements for the outsole compound and shall be at least 0.030 inch thick. The plain inside foxing shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick.

(18) *Outsole.* The outsole shall be made of the outsole compound. It shall be at least 0.250 inch at the ball and shall extend under the heel to a thickness of at least 0.100 inch.

(19) *Heels.* The heels shall be at least 1/2 inch thick at the thinnest point.

(20) *Finish.* Boots shall have a natural heater or lacquer finish.

(21) *Weight.* The weight of a pair of size nine finished boots shall be at least 3 pounds 6 ounces.

(f) *Detailed specifications for men's 4-buckle cloth farm-weight arctic.* In addition to the general specifications already set forth, men's 4-buckle cloth farm-weight arctics must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the arctic, inside at the back and following the contour of last, shall be at least ten inches for size 9.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 6.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of at least 45 pounds and shall be coated on one side with the lining compound. (See subparagraph (4)).

(3) *Pocket lining.* The pocket lining shall be a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Cloth quarter, vamp and gore.* The cloth quarter, vamp and gore shall be made of either cotton and reprocessed wool cashmerette which weighs at least 8.5 ounces a square yard, or a twill weave cotton fabric, which weighs at least 9.0 ounces a square yard. The total thick-

ness of lining compound between lining and outer fabric shall be at least 0.016 inch. See subparagraph (2).

(5) *Fabric quarter stay and fabric heel piece.* The fabric quarter stay and fabric heel piece shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Buckle straps.* The buckle straps shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides and coated with a compound, which meets the minimum requirements of the upper compound, to a thickness of at least 0.006 inch at the face of the calender. The buckle straps shall be folded and shall include two reinforcement cords of 10/2/3 Type A Hawser cord or an equivalent construction. The breaking strength of the cords shall be at least 12 pounds. The folded buckle straps shall be in such width as to suitably thread the manufacturer's standard types of buckle.

(7) *Buckles.* The buckles shall be the manufacturer's standard hook and ladder type.

(8) *Friction or gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. If a gum inner-vamp is used, it shall be at least 0.015 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound. When a gum inner vamp is used a collaret shall also be used. This collaret shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(9) *Gum or friction binding.* (When used.) If a gum binding is used it shall be made of a compound, which meets the minimum requirements for the inner-parts compound, and shall be at least 1/4 inch in width and 0.020 inch thick. If a friction binding is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard, is frictioned on both sides with the friction compound and is folded to form a bind.

(10) *Gum or fabric back stay.* Either a gum or fabric back stay shall be used. This gum back stay shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick. The fabric back stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The cotton fabric may also be coated on one side to a thickness of at least 0.006 inch at the face of the calender. All back stays shall be made in the manufacturer's standard shape.

(11) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated

on one side with a good grade of stiffening compound.

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.125 inch, but it shall be at least 0.135 inch if the filler sole is used without a binder sole.

[Paragraph (12) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(13) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(14) *Heel and toe foxing.* The heel and toe foxing shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.025 inch thick.

(15) *Outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.250 inch thick at the back part of the heel.

(16) *Finish.* Arctics shall have a natural heater or lacquer finish.

(17) *Weight.* The weight of a pair of size nine finished arctics shall be at least 2 pounds 9 ounces.

(g) *Detailed specifications for men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics.* In addition to the general specifications already set forth, men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the arctic and following the contour of the last shall be at least 9 1/2 inches for men's size 9, 7 3/4 inches for boys' size 5, and 7 1/2 inches for youths' size 1.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. See subparagraph (4).

(3) *Pocket lining.* The pocket lining shall be a cotton sheeting which weighs at least 3.2 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Cloth quarter, vamp and gore.* The quarter, vamp and gore shall be made of either a cotton net or a square woven fabric. If a cotton net is used, it shall weigh at least 5.9 ounces a square yard. This cotton net shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. If a square woven fabric is used, it shall weigh at least 6.4 ounces a square yard. This square woven fabric shall be coated on one side with the lining compound and the total thickness of the lining compound between the lining and the outer fabric shall be at least 0.016 inch. See subparagraph (2).

(5) *Fabric heel piece.* The fabric heel piece shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(6) *Fabric quarter stay.* The quarter stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Buckle straps.* The buckle straps shall be made of a cotton fabric which weighs at least 4.1 ounces a square yard, and is frictioned on both sides to an over-all gauge of at least 0.025 inch thick. The buckle straps shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 Type A Hawser cord or its equivalent. The breaking strength of the cords shall be at least 12 pounds. When 6.0 ounces a square yard or heavier cotton fabric is used it is not necessary to reinforce with cord. The folded buckle straps shall be in such widths as to suitably thread the manufacturer's standard type of buckle.

(8) *Buckles.* The buckle shall be of the manufacturer's standard hook and ladder type.

(9) *Friction or gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. If a gum inner-vamp is used it shall be at least 0.015 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound. When a gum inner-vamp is used, a collaret shall also be used. This collaret shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard and is frictioned on both sides with the friction compound.

(10) *Gum or friction binding.* (When used). If a gum binding is used it shall be made of a compound which meets the minimum requirements for the inner-parts compound and shall be at least 1/4 inch in width and 0.020 inch thick. If a friction binding is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard, is frictioned on both sides with the friction compound and is folded to form a bind.

(11) *Gum or fabric back stay.* Either a gum or a fabric back stay shall be used. The gum back stay shall be made of a

compound which meets the minimum requirements for the inner-parts compound and shall be at least 0.020 inch thick. The fabric back stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. All back stays used shall be made in the manufacturer's standard shape.

(12) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated with a good grade of stiffening compound.

(13) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.085 inch, but it shall be at least 0.035 inch if the filler sole is used without a binder sole.

[Paragraph (13) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(14) *Stiffening counter.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick.

(15) *Heel and toe foxing.* The heel and toe foxing shall be made of a compound, which meets the minimum requirements for the upper compound, and shall be at least 0.020 inch thick.

(16) *Outsole.* The outsole shall be made of the outsole compound. It shall be at least 0.120 inch thick at the ball and at least 0.200 inch thick at the back of the heel.

(17) *Finish.* Arctics shall have natural heater or bright finish.

(18) *Weight.* The weight of a pair of finished arctics shall be no less than the following:

Age and size:		Weight
Men's size 9	-----	1 pound, 12 ounces.
Boys' size 5	-----	1 pound, 7 ounces.
Youths' size 1	-----	1 pound, 3 ounces.

(h) *Detailed specifications for men's work rubbers, semistorm and storm.* In addition to the general specifications already set forth, men's work rubbers, semistorm and storm, must include the component parts or alternatives listed below except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the rubber, following the contour of the last shall be at least 3 3/4 inches for men's size 9.

(2) *Lining.* The lining shall be made of a cotton net which weighs at least 6.3

ounces a square yard. This cotton net shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Counter and heel piece.* The counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick. The heel piece shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the manufacturer so desires both parts may be combined and made from a cotton fabric, which weighs at least 1.8 ounces a square yard. This cotton fabric shall be frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound to an over-all gauge of at least 0.040 inch thick. When the combination counter and heel piece is placed on the outside of the upper, a gum heel piece not less than 0.025 inch thick shall be used. The combination counter and heel piece may be placed between the lining and the upper.

(4) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(5) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.120 inch, but it shall be at least 0.130 inch if the filler sole is used without a binder sole.

[Paragraph (5) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(6) *Toe-cap.* Either a friction or a gum toe-cap shall be used. If a friction toe-cap is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If a gum toe-cap is used, it shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.030 inch thick.

(7) *Upper.* The upper shall be made of the upper compound and shall be at least 0.030 inch thick.

(8) *Foxing.* The foxing shall be made of a compound, which meets the minimum requirements for the sole compound, and shall be at least 0.030 inch thick.

(9) *Gum bind.* The gum bind shall be made of a compound, which meets the minimum requirements for the sole compound and shall be at least $\frac{1}{8}$ inch wide and 0.030 inch thick. A separate bind shall not be required if the bind is engraved in the gum upper.

(10) *Outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.25 inch thick at the back part of the heel.

(11) *Finish.* Men's work rubbers shall have a natural heater, starch or lacquer finish.

(12) *Weight.* The weight of a pair of finished men's size 9 work rubbers shall be at least 1 pound 9 ounces.

(13) *Alternate construction.* The manufacturer may use the following alternate constructions if he uses all of the constructions listed below:

(i) The lining shall be made of a fabric which weighs at least 6.7 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender. (See subparagraph (2)).

(ii) Both fabric and gum toe-caps shall be used. (See subparagraph (6)).

(iii) When both the combination counter and gum heel piece are used (See subparagraph (3)), then the gauge for the upper (See subparagraph (7)), the gum toe-cap (See subparagraph (6)) and the gum heel piece (See subparagraph (3)) shall be at least 0.025 inch thick.

(i) *Detailed specifications for men's and boys' dress rubber, storm and over (soft back only); youths', growing girls', misses' and children's storm rubber and women's over.* In addition to the general specifications already set forth, men's and boys' dress rubber, storm and over (soft back only); youths', growing girls', misses' and children's storm rubber and women's over must include the component parts or alternatives listed below and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back, following the contour of the last, shall be at least $3\frac{3}{8}$ inches for men's size 9. Other ages or genders and heel heights shall vary from this height in accordance with each manufacturer's usual grading.

(2) *Lining.* For men's, boys' and youths' sizes, the lining shall be made of a cotton net which weighs at least 5.4 ounces a square yard and has a minimum Scott bursting strength of 85 pounds. For women's, growing girls', misses' and children's sizes, the lining shall be made of a cotton net which weighs at least 4.0 ounces a square yard and has a minimum Scott bursting strength of 45 pounds. For all genders, the fabrics shall be coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(3) *Counter and heel piece.* The counter shall be made of a good grade of stiffening compound and shall be at least 0.045 inch thick. The heel piece

shall be made of cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the manufacturer so desires, both parts may be combined and made from a cotton fabric which weighs at least 1.8 ounces a square yard. This cotton fabric shall be frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound to an over-all gauge of at least 0.030 inch thick. The stiffening counter, either singly or in combination, may be omitted if a cotton fabric which weighs at least 5.0 ounces per square yard is used and is frictioned on both sides with friction compound. When the combination counter and heel piece is placed on the outside of the upper, a gum heel piece must be used. This gum heel piece shall be made of a compound which meets the minimum requirements for the upper compound and shall be at least 0.020 inch thick for men's, boys' and youths' sizes and 0.017 inch thick for women's, growing girls', misses' and children's sizes. The combination counter and heel piece may be placed between the lining and the upper.

[Paragraph (3) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(4) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(5) *Heel plug.* A heel plug shall be used on women's heels of 12/8 or higher. This heel plug shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.035 inch. A fibre or hard rubber heel plug at least 0.040 inch thick may be used in place of the fabric heel plug.

(6) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (6) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(7) *Toe-cap.* Either a friction or a gum toe-cap shall be used, except that a

gum toe-cap must be used on boys', youths', misses' and children's sizes. If a friction toe-cap is used, it shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If a gum toe-cap is used, it shall be made of the upper compound and shall be at least the gauge of the upper.

(8) *Upper.* The upper shall be made of the upper compound and shall be at least 0.020 inch thick for men's, boys' and youths' sizes and shall be at least 0.017 inch thick for women's, misses', growing girls' and children's sizes.

(9) *Gum bind.* The gum bind shall be made of a compound which meets the minimum requirements for the sole compound. The gum bind shall be at least $\frac{1}{8}$ inch wide and shall be at least the same gauge as the upper. A separate bind shall not be required if a bind is engraved in the gum upper.

(10) *Toe strip or foxing.* The toe strip or the foxing shall be made of a compound which meets the minimum requirements for the soling compound and shall be at least the same gauge as the upper. Neither a toe strip nor a foxing need be used where the manufacturer's process makes allowances for either of them in the upper itself.

[Paragraph (10) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(11) *Outsole.* The outsole shall be made of the outsole compound and shall be at least of the following thicknesses:

Age or gender	Inch thick at ball	Inch thick at back part of heel
Men's.....	0.160	0.160
Boys'.....	.120	.170
Youths'.....	.120	.170
Women's.....	.075	.140
Growing girls'.....	.075	.170
Misses'.....	.110	.160
Children's.....	.110	.160

(12) *Finish.* The finish shall be bright or lacquer.

(13) *Weight.* The weight of a pair of men's size 9 finished rubbers shall be at least 13 ounces. The minimum weight of other ages and genders shall vary in accordance with the manufacturer's grading.

(j) *Detailed specifications for rubber gaiters for women, misses and children.* The specifications are intended to cover the type of rubber gaiter commonly known as the "two snap rubber gaiter." However, because of the metal shortage no specific type of fastening has been required. In addition to the general specifications already set forth, such gaiters must include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height of the gaiter inside at the back shall be at least $6\frac{1}{2}$ inches for women's low heel, size 5, $6\frac{1}{2}$ inches for misses' size 13 and $5\frac{1}{2}$ inches for children's size 10.

(2) *Leg lining.* The leg lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender, providing that the combined thickness of the lining coat and upper is at least 0.023 inch. The leg lining shall be either a one or two piece construction, shall be properly lapped or butted at the seam joining and shall be properly cemented to insure good adhesion. See subparagraph (12).

(3) *Fastener post stay.* The fastener post stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound.

(4) *Front stay lining.* The front stay lining shall be made of a cotton fabric which weighs at least 4.0 ounces a square yard and is coated on one side with the lining compound to a thickness of at least 0.006 inch at the face of the calender.

(5) *Fabric front stay.* The fabric front stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The front stay may be omitted if the front stay lining is made of a cotton fabric which weighs at least 6.3 ounces a square yard.

(6) *Fabric front stay hinge.* The fabric front stay hinge shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is frictioned on both sides with the friction compound. The fabric-front stay shall be properly placed at the lower front stay and the quarter joint.

(7) *Fabric counter.* The fabric counter shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(8) *Fabric reinforcement strip.* The fabric reinforcement strip shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound. If the lining is of a one piece construction the fabric reinforcement strip may be omitted.

(9) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated on one side with a good grade of stiffening compound.

(10) *Heel plug.* A heel plug shall be used on women's heels of 12/8 or higher. The heel plug shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.035 inch. A fibre or hard rubber heel plug of at least 0.040 inch thick may be used in the place of the fabric heel plug.

(11) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening com-

pound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, exclusive of the heel plug, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (11) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(12) *Gum upper and gum reinforcement back stay.* The gum upper and gum reinforcement back stay shall be made of the upper compound, shall be embossed with a plain, pebble, grosgrain, or similar design roll and shall be at least 0.017 inch thick. If the lining is of a one piece front join construction, the gum reinforcement back stay may be omitted. See subparagraph (2).

(13) *Gum front stay, gum back stay and gum counter.* The gum front stay, gum back stay and gum counter shall be made of the upper compound, shall be embossed with a plain, pebble, grosgrain or similar design roll, and shall be at least 0.017 inch thick. The gum back stay and gum counter may be combined into one unit.

(14) *Gum binding.* The gum binding shall extend from the top of the front stay to the top of the gaiter and shall extend completely around the gaiter upper at the top. The gum binding shall be made of the upper compound, and shall be at least 0.017 inch thick and $\frac{1}{8}$ inch wide.

(15) *Gum foxing.* The gum foxing shall be made of the upper compound, shall be plain or embossed and shall be at least 0.017 inch thick. The gum foxing shall extend completely around the forepart of the outsole from shank to shank.

(16) *Gum toe-cap.* The gum toe-cap shall be made in the manufacturer's standard shape and shall be made of a compound which meets the minimum requirements for the upper compound, shall be plain or embossed and shall be at least 0.017 inch thick. The gum front join or piping strip extending over the toe edge may be considered as a gum toe-cap.

(17) *Outsole.* The outsole shall be made of the sole compound and shall be at least of the following thicknesses: women's, 0.075 inch at the ball and 0.150 inch at the heel; misses', 0.110 inch at the ball and 0.160 inch at the heel; and children's, 0.110 inch at the ball and 0.160 inch at the heel.

(18) *Fasteners.* Fasteners shall be of the manufacturer's standard type.

(19) *Finish.* The finish shall be natural heater or lacquer.

(20) *Weight.* The weight of a pair of women's size 5 finished gaiter shall be at

least 7.5 ounces. The weight of other ages shall vary from this weight in accordance with the manufacturer's grading.

(1) *Detailed specifications for men's 4-buckle rubber midweight arctic.* In addition to the general specifications already set forth, men's 4-buckle rubber midweight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications.

(1) *Height.* The height at the back of the arctic following the contour of the last, shall be at least 10 inches for men's size 9.

(2) *Leg and toe lining.* The leg and toe lining shall be made either of a cotton net which weighs at least 7.3 ounces a square yard, or of a cotton fleece which weighs at least 6.5 ounces a square yard. If the cotton net is used, it shall have a minimum Scott bursting strength of 85 pounds and shall be coated on one side with lining compound to a thickness of at least 0.006 inch at the face of the calender. If the cotton fleece is used, it shall have a minimum Scott bursting strength of 45 pounds and shall be coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender.

(3) *Pocket lining.* The pocket lining shall be a cotton net which weighs at least 5.0 ounces a square yard and is coated on one side with lining compound to a thickness of at least 0.006 inch at the face of the calender.

(4) *Fabric backstay or optional back strip.* The fabric backstay or back strip shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound, or shall be frictioned on one side with friction compound and coated on the other side with lining compound to a thickness of at least 0.006 inch at the face of the calender.

(5) *Fabric front stay.* The fabric front stay shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard. This cotton fabric shall be frictioned on one side with friction compound and coated on the other side with lining compound to a thickness of at least 0.003 inch at the face of the calender.

(6) *Stiffening counter and fabric heel piece.* The stiffening counter shall be made of a good grade of stiffening compound and shall be at least 0.040 inch thick. This stiffening counter shall be used in conjunction with either a separate fabric heel piece, or a cotton fabric which weighs at least 5.0 ounces a square yard. If the heel piece is used, it shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard and is frictioned on both sides with the friction compound.

(7) *Fabric buckle stay cover.* The fabric buckle stay cover shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard, and is frictioned on both sides with friction compound.

This cotton fabric either shall be covered with gum buckle stay covers made of upper compound of a thickness of at least 0.015 inch, or shall be coated with lining compound to a thickness of at least 0.010 inch at the face of the calender. It is optional to use a one-piece construction or separate buckle covers.

(8) *Fabric buckle-strap.* The buckle-strap shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound and coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. The buckle straps shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 type A Hawser cord, or its equivalent. The breaking strength of the cords shall be at least 12 pounds. The folded buckle-straps shall be in such width as to suitably thread the manufacturer's standard type of buckle.

(9) *Buckles.* The buckles shall be the manufacturer's standard hook and ladder type.

(10) *Fabric or optional gum front chaffing stay or pocket stiffener.* The front chaffing stay or pocket stiffener shall be made either of a cotton fabric which weighs at least 3.2 ounces a square yard or of the inner parts compound. If a cotton fabric is used, it shall be frictioned on one side with friction compound, or coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender. If the inner parts compound is used, it shall be at least 0.015 inch thick.

(11) *Friction or optional gum inner-vamp.* Either a friction or a gum inner-vamp shall be used. If a friction inner-vamp is used, it shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard, and is either frictioned on both sides with the friction compound, or coated on both sides with the lining compound to a thickness of at least 0.003 inch at the face of the calender. If a gum inner-vamp is used, it shall be at least 0.025 inch thick and shall be made of a compound which meets the minimum requirements for the inner-parts compound.

(12) *Insole.* The insole shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard, and is coated on one side with a good grade of stiffening compound.

(13) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one

side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.120 inch, but it shall be at least 0.130 inch if the filler sole is used without a binder sole.

[Paragraph (13) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(14) *Gum quarter.* The gum quarter shall be made of the upper compound and shall be at least 0.025 inch thick.

(15) *Gum pocket.* The gum pocket shall be made of the upper compound and shall be at least 0.020 inch thick.

(16) *Gum heel piece.* The gum heel piece shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.025 inch thick.

(17) *Gum front stay.* The gum front stay shall be made of compound which meets the minimum requirements of the outsole compound, shall be embossed with a plain, pebble, grosgrain or similar design on the outer surface, and shall be at least 0.025 inch thick.

(18) *Gum vamp.* The gum vamp shall be made of the upper compound and shall be at least 0.025 inch thick.

(19) *Gum toe cap (When used).* The gum toe cap may be omitted if a fabric inner vamp is used. If the gum toe cap is used, it shall be made of a compound which meets the minimum requirements for the outsole compound, and shall be at least 0.025 inch thick.

(20) *Gum bind.* The gum bind shall be made of a compound which meets the minimum requirements for the outsole compound, shall be placed at the top of the arctic, and shall be at least 0.025 inch thick and $\frac{1}{16}$ inch wide. A separate bind shall not be required if the bind is engraved in the gum upper.

(21) *Gum foxing; heel and toe.* The heel and toe foxing shall be made of a compound which meets the minimum requirements of the outsole compound, shall have a design on its surface and shall be at least 0.030 inch thick at its thinnest point.

(22) *Gum outsole.* The outsole shall be made of the outsole compound and shall be at least 0.190 inch thick at the ball and 0.250 inch thick at the back part of the heel.

(23) *Finish.* Arctics shall have a natural heater or lacquer finish.

(24) *Weight.* The weight of a pair of men's size 9 finished arctics shall be no less than two pounds nine ounces.

(1) *Detailed specifications for men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight rubber arctics.* In addition to the general specifications already set forth, men's 4-buckle, boys' 3-buckle and youths' 3-buckle light-weight arctics shall include the component parts or alternatives listed below, except where the phrase "when used" is employed, and must equal or exceed the following minimum specifications:

(1) *Height.* The height at the back of the arctic following the contour of the last shall be at least $9\frac{1}{8}$ inches for men's

size 9, $7\frac{3}{8}$ inches for boys' size 5, and $7\frac{1}{8}$ inches for youths' size 1.

(2) *Leg and toe lining.* The leg and toe lining shall be made of a cotton fleece which weighs at least 5.5 ounces a square yard. This cotton fleece shall have a minimum Scott bursting strength of 45 pounds, and shall be coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender.

(3) *Pocket lining.* The pocket lining shall be made of a cotton net which weighs at least 4.0 ounces a square yard, and is coated on one side with the lining compound to a thickness of at least 0.003 inch at the face of the calender.

(4) *Fabric back stay or optional back strip.* The fabric back stay or back strip shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is frictioned on both sides with the friction compound.

(5) *Fabric front join stay.* The fabric front join stay shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard, and is either frictioned on both sides with the friction compound, or frictioned on one side with the friction compound and coated on the other side with lining compound to a thickness of at least 0.003 inch at the face of the calender.

(6) *Fabric counter.* The fabric counter shall be made of a cotton fabric which weighs at least 3.2 ounces a square yard and is either frictioned on both sides with the friction compound, or frictioned on one side with friction compound and coated on the other side with a good grade of stiffening compound to a thickness of at least 0.040 inch.

(7) *Fabric buckle stay cover.* The fabric buckle stay cover shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with the friction compound and either covered with gum buckle stay covers made of upper compound of a minimum thickness of 0.015 inch or coated with lining compound to a thickness of at least 0.010 inch at the face of the calender. If a minimum 4 strand tire cord fabric or a square woven fabric weighing at least 5.3 ounces a square yard and coated with lining compound, or frictioned with friction compound and doubled to itself, is used for the buckle strap, this strap need be covered only with a gum buckle stay cover which is made of the upper compound and is at least 0.015 inch thick. It is optional to use a one-piece construction or separate buckle covers.

(8) *Fabric buckle strap.* The fabric buckle strap shall be made of a cotton fabric which weighs at least 5.0 ounces a square yard. This cotton fabric shall be frictioned on both sides with friction compound and coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. The buckle strap shall be folded and when so constructed shall include two reinforcement cords of 10/2/3 Type A Hawser cord or its equivalent. The breaking strength of the

cords shall be at least 12 pounds. When 5.3 ounces a square yard or heavier cotton fabric is used, it is not necessary to reinforce with cord. The folded buckle strap shall be in such width as to suitably thread the manufacturer's standard type of buckle.

(9) *Buckles.* The buckle shall be of the manufacturer's standard hook and ladder type.

(10) *Fabric or optional gum front chaffing stay or pocket stiffener.* The front chaffing stay or pocket stiffener shall be made either of a cotton fabric which weighs at least 2.7 ounces a square yard or of the inner parts compound. If the cotton fabric is used, it shall be either frictioned on one side with friction compound, or coated on one side with lining compound to a thickness of at least 0.003 inch at the face of the calender. If the inner parts compound is used, it shall be at least 0.020 inch thick.

(11) *Insole.* The insole shall be made of a cotton fabric which weighs at least 2.7 ounces a square yard and is coated with a good grade of stiffening compound.

(12) *Binder sole and filler sole.* A filler sole may be used with or without a binder sole. The filler sole shall be made of a good grade of stiffening compound. When the filler sole is used with a binder sole, and the two are produced separately, the binder sole shall be made of a cotton fabric that weighs at least 3.2 ounces a square yard, and is frictioned on both sides with the friction compound. When the filler sole is used with a binder sole, and the two are produced together, the binder sole shall be made of a cotton fabric which weighs at least 1.8 ounces a square yard and is frictioned on one side with the friction compound and coated on the other side with a good grade of stiffening compound. The total combined thickness of the insole, filler sole and binder sole shall be at least 0.070 inch, but it shall be at least 0.080 inch if the filler sole is used without a binder sole.

[Paragraph (12) as amended by Am. 5, 8 F.R. 16059, effective 12-1-43]

(13) *Gum quarter.* The gum quarter shall be made of the upper compound and shall be at least 0.020 inch thick.

(14) *Gum pocket.* The gum pocket shall be made either of the upper compound or of a knitted fabric. If the upper compound is used, it shall be at least 0.020 inch thick. If a knitted fabric is used, it shall weigh at least 4.0 ounces a square yard, and shall be coated with lining compound to an over all thickness of at least 0.030 inch.

(15) *Gum heel piece.* The gum heel piece may be one or two pieces. It shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.020 inch thick.

(16) *Gum front stay.* The gum front stay shall be made of a compound which meets the minimum requirements of the outsole compound and shall be at least 0.020 inch thick.

(17) *Gum top bind.* The gum top bind shall be made of a compound which meets the minimum requirements of the outsole compound, shall be placed at the top of the arctic and shall be at least

0.025 inch thick and at least 1/4 inch wide.

(18) *Gum foxing.* The foxing shall be made of the outsole compound and shall be at least 0.020 inch thick.

(19) *Gum outsole.* The outsole shall be made of the outsole compound and shall be at least 0.120 inch thick at the ball and at least 0.195 inch thick at the back of the heel.

(20) *Finish.* Arctics shall have a natural heater or lacquer finish.

(21) *Weight.* The weight of a pair of finished arctics shall be no less than the following:

Age and size:	Weight
Men's—Size 9.....	1 pound, 12 ounces.
Boys—Size 5.....	1 pound, 7 ounces.
Youths—Size 1.....	1 pound, 3 ounces.

[§ 1315.72 added by Am. 3, 8 F.R. 12302, effective 10-2-43]

§ 1315.73 *Appendix D: Maximum prices for canvas footwear—(a) Maximum prices for canvas rubber footwear named in Table II.* (1) This paragraph is applicable to canvas rubber footwear named in Table II, but only if such footwear is produced after December 14, 1943, and it does not fall below the manufacturer's minimum specifications filed with the Rubber Price Branch, Office of Price Administration, before December 31, 1943.

(2) In order to determine his maximum price for canvas rubber footwear subject to this paragraph, the manufacturer shall deduct from the price for the canvas rubber footwear in question set forth in the following table, all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941, for comparable quality canvas footwear, or if he was not selling canvas footwear of comparable quality on December 3, 1941, on the most recent date prior thereto, not earlier than January 1, 1941, on which he was selling such canvas footwear. If a manufacturer had no discount policy for comparable quality canvas footwear in effect at any time between January 1, 1941, and December 3, 1941, he shall deduct all discounts, allowances and other deductions from the list price that his most closely competitive seller of comparable quality canvas footwear had in effect to a purchaser of the same class on December 3, 1941.

TABLE II.—CERTAIN CANVAS RUBBER FOOTWEAR PRICES FROM WHICH DISCOUNTS MUST BE DEDUCTED

Type:	Price per pair
Training shoes, backed uppers, molded soles:	
Men's.....	\$2.40
Boys'.....	2.25
Trimmed lace-to-toe bal:	
Men's.....	1.05
Boys'.....	1.50
Youths'.....	1.40
Little gents'.....	1.30
Lace-to-toe gym bal:	
Women's.....	1.30
Misses'.....	1.25
Untrimmed oxford:	
Men's.....	1.30
Boys'.....	1.20
Youths'.....	1.10
Women's.....	1.20
Misses'.....	1.10
Children's.....	1.00

[Table II as amended by Am. 9, effective 2-28-44]

(b) *Maximum prices for canvas rubber footwear which is not covered by paragraph (a).* The maximum price for canvas rubber footwear not covered by paragraph (a) shall be a price, in line with the level of maximum prices established by this regulation, determined by the seller after specific authorization from the Rubber Price Branch of the Office of Price Administration. A seller who seeks such authorization shall file the report required by paragraph (b) of § 1315.65a with the Rubber Price Branch of the Office of Price Administration, Washington, D. C., before first offering to sell the canvas rubber footwear or on December 31, 1943, whichever is the later date. Within thirty days after mailing the required report to the Rubber Price Branch of the Office of Price Administration, the Rubber Price Branch of the Office of Price Administration will either approve the maximum price proposed in the report or designate in writing a different maximum price in line with the level of prices established by this regulation. If thirty days have elapsed after the mailing of the required report, without the Rubber Price Branch of the Office of Price Administration either approving the proposed maximum price or designating in writing a different maximum price, the price proposed by the manufacturer shall be the maximum price. The manufacturer may not accept payment for the canvas rubber footwear until the proposed maximum price is approved by the Rubber Price Branch of the Office of Price Administration or thirty days have elapsed after the mailing of the required report by the manufacturer to the Rubber Price Branch of the Office of Price Administration. If the Rubber Price Branch of the Office of Price Administration designates a maximum price in writing, payment may not be received at a price in excess of the price so designated.

[§ 1315.73 added by Am. 6, 8 F.R. 16585, effective 12-16-43]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2583; Filed, February 22, 1944; 4:48 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 84]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

Correction

In F. R. Doc. 44-1614, appearing on page 1454 of the issue for Friday, February 4, 1944, the first two figures in the last column of the table under paragraph (b) (5) should be "315" and "340."

PART 1340—FUEL

[RMFR 122, Incl. Amdt. 18]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

Sections 1340.254 (b), Rule 4, 1340.255 (a) (3), 1340.266 (a) (4) amended; §§ 1340.259 (a) (2), (3) and (4), and 1340.266 (a) (8) revoked; § 1340.266 (a) (9), (10) and (11) redesignated (a) (8), (9) and (10) by Amendment 18, effective February 28, 1944, so that Revised Maximum Price Regulation 122 shall read as follows:

The Price Administrator has ascertained and given due consideration to the prices prevailing on sales of such solid fuels between October 1 and October 15, 1941 and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this revised regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

A statement of the considerations involved in the issuance of Revised Maximum Price Regulation No. 122, issued simultaneously herewith, has been filed with the Division of the Federal Register.²

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, issued October 2, 1942, and in accordance with Revised Procedural Regulation No. 1,³ issued by the Office of Price Administration, Revised Maximum Price Regulation No. 122 is hereby issued.

Sec.

- 1340.251 Where this regulation applies.
- 1340.252 What this regulation prohibits.
- 1340.253 Less than maximum prices may be charged.
- 1340.254 How maximum prices are calculated under this regulation.
- 1340.255 The meanings of certain terms used in the maximum price rules.
- 1340.256 Maximum prices required for certain special sales.
- 1340.257 How the railroad freight rate increase is treated.
- 1340.258 Adjustable pricing.
- 1340.259 Petitions for amendment and applications for adjustment.
- 1340.260 Provision for specific ceiling prices.
- 1340.261 Applicability of other regulations.
- 1340.262 Records and reports.
- 1340.263 Posting of maximum prices; sales slips and receipts.
- 1340.264 Enforcement.
- 1340.264a Licensing.
- 1340.265 Federal and state taxes.
- 1340.266 Definitions.
- 1340.267 Effective date.

AUTHORITY: §§ 1340.251 to 1340.267, inclusive, issued under 56 Stat. 23, 765; Pub. Law

¹ 8 F.R. 440.

² Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

³ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1340.251 *Where this regulation applies.* (a) This regulation shall apply to all sales and deliveries of solid fuel from or to any point in the forty-eight states, the District of Columbia, and the territories of Alaska and Hawaii, unless:

(1) Made at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, or

[Subparagraph (1) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(2) Subject to Maximum Price Regulation No. 189⁴—Bituminous Coal Sold for Direct Use as Bunker Fuel.

(b) Where the dealer has more than one business establishment, each establishment shall be considered a separate dealer. (Under Supplementary Order No. 13⁵ (7 F.R. 6523) retail sellers operating more than one establishment and having had a uniform pricing practice as to two or more of them may apply for authorization to determine and use uniform maximum prices.)

(c) If a dealer's business, assets or stock in trade are sold or otherwise transferred subsequent to April 1, 1943, and the transferee continues to operate such business, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor was or would have been subject if no such sale or transfer had taken place. The transferee shall have the same obligation as his transferor to keep books and records sufficient to verify such prices. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of § 1340.262 of this regulation.

[Paragraph (c) added by Am. 3, 8 F.R. 4510, effective 4-12-43]

§ 1340.252 *What this regulation prohibits.* Regardless of any contract or other obligation, no person shall:

(a) Sell, or, in the course of trade or business, buy solid fuel at prices higher than the maximum prices fixed by this regulation, or

(b) Obtain a higher than ceiling price by:

(1) Changing his customary allowances, discounts, or other price differentials, or

(2) Increasing any service charge or any interest rate on debts over that charged in December 1941.

[Subparagraph (2) as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

(3) Using any other device by which a higher than ceiling price is obtained, or

(c) Use any tying agreement or make any requirement that anything other than the fuel requested by the buyer be purchased by him, except that a dealer may comply with requirements or standards with respect to deliveries which

have been or may be issued by an agency of the United States government.

[Paragraph (c) as amended by Am. 8, 8 F.R. 8754, effective 6-30-43]

§ 1340.253 *Less than maximum prices may be charged.* Less than maximum prices may be charged, paid, or offered.

[§ 1340.253 as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

§ 1340.254 *How maximum prices are calculated under this regulation—*(a) *How to use the maximum price rules in paragraphs (b) and (c).* Rule 1 is intended to be used generally, but a dealer, if he wishes, may instead calculate his maximum price by optional Rule 1A or Rule 1B. If a dealer cannot calculate his price by using Rule 1, and does not wish to use Rule 1A or 1B, he must use Rule 2. If he cannot use Rule 2, he must use Rule 3 or Rule 4, depending on which covers his situation. Supplemental rules covering four special situations (dock sales for railroad fuel use; sales by bid; sales of lake cargo coal; dealers granted adjustments of maximum prices by order under Maximum Price Regulation No. 122)⁶ are stated in § 1340.255. Rules 5 and 6 are to be used for calculating the maximum prices for services rendered by the dealer in connection with his sales of fuels. The meanings of terms printed in quotation marks when first used in this section are given in § 1340.255 which follows this section.

[Paragraph (a) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(b) *The maximum price rules for fuels.*

Rule 1. The maximum price for any solid fuel shall be:

(1) The highest price charged by the dealer in December 1941 for the same fuel, plus

(2) Any increase in his supplier's maximum price for the same fuel over the highest of all prices charged the dealer on the same fuel supplied to him during the last calendar month of 1941 in which the dealer took deliveries of such fuel from a supplier.

The maximum price of a solid fuel received from a supplier who is the same person as the dealer shall be: The highest price charged by the dealer in December 1941 for the same fuel; plus the difference between the highest price charged by the supplier during the same month to an independent dealer and the same supplier's maximum price for sales of the same fuel to the same independent dealer or any other of the same class.

If the dealer did not deliver a solid fuel to a certain class of purchasers during December 1941, his maximum price for sales to that class shall be based upon the maximum price for sales of the same solid fuel to other classes of purchasers, adjusted to reflect his customary price differentials between or among the classes of purchasers.

If the dealer did not deliver a certain size of a kind of fuel to any class of purchasers during December 1941, his maximum price for sales of that size shall be based upon his maximum price for a like sale of that kind of fuel adjusted to reflect his customary price differential between that size and the size

⁴ 8 F.R. 15317, 16520.

⁵ Revised, 9 F.R. 1521.

of the same kind of fuel most nearly similar thereto.

[Above paragraph added by Am. 10, 8 F.R. 11143, effective 8-14-43]

The maximum price for Pennsylvania anthracite yard screenings shall be the highest price charged by the dealer in December 1941 for the same fuel plus \$1.00 per net ton.

[Above paragraph added by Am. 4, 8 F.R. 5632, effective 4-28-43 and amended by Am. 16, 8 F.R. 17184, effective 12-27-43]

Rule 1A. The maximum price of a dealer who chooses to set his maximum price by his highest offering price for delivery during December 15-31, 1941, inclusive, shall be such highest offering price for a like sale if, either advertised by him after October 1, 1941 in a medium of general circulation, such as a newspaper, in his locality, or listed in the last price circular, list or schedule he issued and made available to the purchasing public in 1941.

Rule 1B. The maximum prices of any dealer who chooses to use the maximum prices which he has calculated by using the weighted average price formula (§ 1340.261 (c)) of Maximum Price Regulation No. 122 and which he has posted as it requires (§ 1340.261 (j)) before the effective date of this revised regulation are the maximum prices so calculated and posted for a like sale.

Unless calculated by Rule 1A or Rule 1B, a dealer's maximum price shall precisely reflect any decrease in his supplier's maximum price occurring on or after January 9, 1943.

[Above paragraph added by Am. 7, 8 F.R. 8179, effective 6-19-43]

Rule 2. The maximum price shall be the maximum price of the most closely competitive dealer of the same class for a like sale and shall, of course, precisely reflect any increase or decrease in such competitor's maximum price.

[Rule 2 as amended by Am. 7.]

Rule 3. The maximum price shall be the sum of: First, the per net ton cost to the dealer, f. o. b. supplier's shipping point; Second, the actual transportation cost to the dealer's yard, dock or other terminal facility; and Third, the margin over delivered cost on the dealer's similar sale of solid fuel most nearly like the sale of solid fuel for which a maximum price is calculated under this Rule 3, taking into account similarity in size, kind, quality, use and quantity of fuel, class of purchasers, method of delivery (e. g., by truck, rail, etc.) and terms of delivery (e. g., delivered price, f. o. b. dealer's yard, etc.). But a dealer eligible for compensatory adjustment under Compensatory Adjustment Regulation No. 1 shall, in place of the item marked Second in this Rule 3, substitute the lowest transportation cost he would have incurred during December 1941 in bringing the fuel to his terminal facility.

[Rule 3 as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

Rule 4. If Rule 3 cannot be applied because the dealer made no similar sale, his maximum price shall be the price set by the regional office of the Office of Price Administration in line with the level of maximum prices set by this regulation. The dealer shall apply to the regional office, stating in writing:

*7 F.R. 3239, 3666, 3856, 3940, 3941, 5024, 5567, 5835, 7809, 8949, 8948, 9426, 9783, 10529.
*Revised: 8 F.R. 13980, 15705.

First: the size, kind, quality and possible use or uses of the solid fuel to be priced;

Second: the name of its producer and its origin and, for bituminous coal, its price classification and group, size group, and mine index number in the minimum price schedules of the Bituminous Coal Division, as in effect midnight August 23, 1943.

[Above paragraph as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

Third: the per net ton price, f. o. b. supplier's shipping point;

Fourth: the actual transportation cost to the dealer's yard, dock, or other terminal facility;

Fifth: a proposed schedule of prices for each class of purchaser involved, stating price variations for different quantities, methods, and terms of delivery;

Sixth: his margin over delivered cost on sales of solid fuel serving the same purpose;

Seventh: any other pertinent information which the regional office may request. The dealer shall reflect in his maximum price set under this Rule 4 the exact amount of any increase or decrease in his supplier's maximum price as established by any amendment or order issued by the Office of Price Administration after November 23, 1943, unless the dealer's price under this Rule 4 is changed by the Regional Office to reflect such increase or decrease.

[Above paragraph added by Am. 15, 8 F.R. 16427, effective 12-4-43; and amended by Am. 18, effective 2-28-44]

(c) *The maximum price rules for services.*

Rule 5. The maximum price for any service rendered by a dealer in connection with a sale or handling of solid fuel shall be the highest price charged by the dealer during December 1941 for the same service. If, during December 1941, the dealer rendered any service without charge, he shall continue to do so. Although a dealer may have, during December 1941, rendered other services than those here enumerated, dealers customarily render these services subject to this regulation: carry, wheel, trimming and storing in the bin, bagging, shovel and dust treatment of coal.

Rule 6. If a dealer did not render a service during December 1941, his maximum price for such a service shall be the price set by the regional office of the Office of Price Administration. The dealer shall apply to the regional office stating in writing:

First: a description of the services to be rendered;

Second: the classes of purchasers to whom it will be rendered;

Third: a proposed price for the service which shall be shown to the satisfaction of the Regional Administrator to be reasonably computed in relation to charges for similar services by other dealers in the locality and to be reasonable in relation to the actual costs the dealer will incur in rendering the service.

Fourth: any other pertinent information the regional office may request.

[Paragraph (c) added by Am. 10, 8 F.R. 11143, effective 8-14-43]

§ 1340.255 *The meanings of certain terms used in the maximum price rules.*

(a) The following quoted words, when used in this regulation, have the meanings given below:

(1) "A like sale" means one sale of solid fuel is like another if the same solid

fuel is delivered under the same terms and by the same method to a purchaser of the same class as in the sale to which comparison is made.

(2) "The highest price charged by the dealer" means the highest price he charged for a like sale of fuel delivered during December 1941 and, in the case of a service, means the highest price he charged for the same service he rendered during the same month.

[Subparagraph (2) as amended by Am. 10, 8 F.R. 11143, effective 8-14-43]

(3) "Same fuel" or "same solid fuel" means one solid fuel shall be deemed to be the same as another if the first is the same size and kind as the second, is of the same quality, has the same use, affords the purchaser equivalent serviceability, and is interchangeable with the second. In the case of bituminous coal, if the two coals compared are in the same or equivalent price classification and group and size group number as set forth in Maximum Price Regulation No. 120⁸—Bituminous Coal Delivered from Mine or Preparation Plant, they are the same; this is the basic test although it is possible bituminous coals may be the same if they do not meet this test. In the case of Pennsylvania anthracite, size need not be a consideration if the maximum prices f. o. b. the mine are the same for both coals. Furthermore, if the maximum price of any size of any producer's anthracite is higher than any other producer's maximum price for the same size, the first producer's size of anthracite shall not be deemed by the dealer, in calculating his maximum price, to be the same fuel as the other producer's.

[Subparagraph (3) amended by Am. 2, 8 F.R. 3524, effective 3-10-43; and Am. 18, effective 2-28-44]

(4) "A supplier" means any person who in 1941 or 1942 sold the dealer solid fuels for resale. Any person who sells to the dealer after 1942 is also a supplier if he performs the same functions in the selling of the same solid fuels at the same level of distribution and sells to dealers of the same class as did the suppliers who sold to the dealer in 1941 or 1942.

(5) "A supplier's maximum price" means the maximum price of an independent or affiliated supplier for deliveries to the dealer (before deducting any allowance or discount or adding any special service charge), f. o. b. supplier's shipping point. Maximum prices of suppliers are established by one or more of these regulations: Maximum Price Regulation No. 112—Pennsylvania Anthracite; Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant; Regulation No. 121—Mis-

⁸ 8 F.R. 14560, 15256, 15455, 15456, 16220, 17184, 16410, 16738, 16333; 9 F.R. 323, 573, 693, 784, 873, 1181, 1395, 1454.

⁹ 8 F.R. 3367, 8065, 15706, 16037; 9 F.R. 673, 1324.

cellaneous Solid Fuels Delivered from Mine or Preparation Plant;¹⁰ and this regulation.

(6) "The highest of all prices charged the dealer on the same fuel supplied to him" means the highest of all prices charged the dealer before the deduction of any discount or allowance or the addition of any special service charge.

(7) "The margin over delivered cost" means the difference between (i) the maximum price of the solid fuel under this Regulation, and (ii) the sum of (a) its most recent cost per ton to the dealer, f. o. b. supplier's shipping point, and (b) the actual transportation cost to the dealer's yard, dock, or other terminal facility.

(8) "Dealer of same class" means (i) a dealer performing the same function (trucking from a mine, yard or dock, a yard or dock operator), (ii) dealing in the same solid fuels, and (iii) selling to purchasers of the same class.

(9) "Most closely competitive dealer of the same class" shall be a dealer of the same class who (i) is selling the same solid fuel, (ii) is closely competitive in the sale of solid fuel, and (iii) is located nearest to the dealer.

(10) "Purchaser of the same class" refers to the practice adopted by the dealer in setting different prices for sales to different purchasers or kinds of purchasers or for purchasers located in different areas or for different quantities or under different conditions of sale, including methods and terms of delivery.

(b) *Other definitions.* Meanings of the following words and phrases are given in § 1340.265: "person", "producer", "distributor", "solid fuel", "f. o. b.", "sell", "dealer", "affiliated supplier", "Bituminous Coal Division."

§ 1340.256 *Maximum prices required for certain special sales.* The dealer's maximum price for the sales covered by this section shall be a price calculated as required in the paragraphs following:

(a) *Maximum dock prices for railroad fuel.* (1) If solid fuel is sold for railroad fuel use at or from a dock on the west bank of Lake Michigan or the United States side of Lake Superior, its maximum prices shall be the sum of (i) the purchase price per ton, f. o. b. the mine for sales to the dealer, (ii) the dealer's actual transportation cost to the same dock, and (iii) fifty-five (55) cents per net ton.

[Subparagraph (1) as amended by Am. 2, 8 F.R. 3524, effective 3-19-43].

(b) *Maximum prices for sales by competitive bidding.* If solid fuel is sold under contract awarded the dealer in public competitive bidding, the maximum price shall be the dealer's maximum price calculated by the rules in § 1340.254 for like sales to business purchasers.

(c) *Certain lake cargo coal.* Notwithstanding the provisions of Rule 1 of § 1340.254 of this regulation, the maxi-

mum price of solid fuel received via water transportation facilities at, and sold from, a dock on the United States bank of Lake Superior or on that part of the west bank of Lake Michigan north of and including Waukegan, Illinois shall be a price for like sales calculated by Rule 1A of § 1340.254, plus:

(1) in the case of bituminous coal prepared at the dock as double-screened or lump sizes, the amount per net ton specified for the solid fuels following:

From mines in Districts Nos. 1, 2, 4, or 6.....	\$0.55
From mines in District No. 3 (except medium volatile in Price Classification A).....	.55
From mines in District No. 3 and in Price Classification A: medium volatile.....	.80
From mines in Districts Nos. 7 or 8: low volatile.....	1.10
From mines in Districts Nos. 7 or 8: medium or high volatile.....	.80

The maximum price for each size and kind of dock-run bituminous coal shall be 50 cents per net ton lower than the maximum price for the same size and kind of coal when rescreened at the dock.

(2) in the case of bituminous coal in all other sizes, the amount per net ton specified for the solid fuels following:

From mines in Districts No. 7 or 8: low volatile screenings and run-of-mine.....	\$0.50
From mines in Districts Nos. 1, 2, 3, 4, 6, 7, or 8: high volatile screenings and run-of-mine.....	.40
From mines in Districts Nos. 1, 2, 3, 4, or 6: high volatile stoker size.....	.40
From mines in Districts Nos. 7 or 8: high volatile stoker size.....	.70
From mines in Districts Nos. 7 or 8: low volatile stoker size.....	.50

(3) in the case of Pennsylvania anthracite, the amount specified for the sizes following:

Size:	
Egg, stove and nut.....	\$0.55
Pea.....	.50
Buckwheat and rice.....	.45
Barley.....	.35
Sizes smaller than barley.....	.30

(All other lake cargo coal is priced under § 1340.254.)

[Paragraph (c) amended by Am. 2, 8 F.R. 3524, effective 3-19-43 and Am. 4, 8 F.R. 5632, effective 4-28-43]

(d) *Dealers previously granted adjustments of maximum prices.* The maximum price of a dealer granted an adjustment of his maximum prices by order of adjustment issued under Maximum Price Regulation No. 122 shall be the higher of the following prices:

(1) The maximum price for a like sale established by this regulation, or

(2) The dealer's maximum price for a like sale as adjusted by order plus the difference between (i) the current delivered cost to him of the same fuel and (ii) the cost of the last delivery of such fuel to him prior to the effective date of the order of adjustment of his maximum price.

§ 1340.257 *How the railroad freight rate increase is treated.* The Ex Parte 148 freight rate increase, effective March 18, 1942, was rescinded as of May 15, 1943 by the Interstate Commerce Com-

mission. Dealers in solid fuel received in whole or in part by rail shall treat the amount thereof as follows:

(a) It shall not be added to maximum prices computed under § 1340.254 (b).

(b) It shall be deducted from maximum prices computed under Rule 2 or Rule 3 of § 1340.254 (b) or under § 1340.256 (d) (2).

[§ 1340.257 as amended by Am. 5, 8 F.R. 6543, effective 6-1-43]

§ 1340.258 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1340.258 as amended by Am. 6, 8 F.R. 7108, effective 6-2-43]

§ 1340.259 *Petitions for amendment and applications for adjustment.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this regulation in the following cases:

(1) *Local shortages.* In the case of any dealer or group of dealers when it appears:

(i) That there exists or threatens to exist in a particular locality a shortage in the supply of a solid fuel which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(ii) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such dealer and of like dealers for such solid fuel; and

(iii) That such adjustment will not create or tend to create a shortage, or a need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this subparagraph (1).

(2) [Revoked]

(3) [Revoked]

(4) [Revoked]

[Subparagraphs (2), (3) and (4) revoked by Am. 18, effective 2-28-44]

¹⁰ 7 F.R. 3237, 3989, 4483, 5941, 6002, 6386, 6587, 6521, 6938, 10529; 8 F.R. 1895, 2756, 4179, 5756, 6261, 6951, 6957, 7599, 8065, 9992, 10358, 10432, 10936, 12314, 12791, 15705, 16662; 9 F.R. 287, 455, 573.

(5) [Revoked]

[Subparagraph (5) revoked by Am. 2, 8 F.R. 3524, effective 3-19-43]

Applications for adjustment shall be filed in accordance with Revised Procedural Regulation No. 1.

(b) Any person seeking an amendment of any provision of this Revised Maximum Price Regulation No. 122 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

§ 1340.260 *Provision for specific ceiling prices.* The Office of Price Administration, or any regional office thereof after clearance with the Solid Fuels Branch in Washington, D. C., may by order establish specific maximum prices in line with those established by this regulation for deliveries of solid fuels made, or for services rendered in connection therewith, or both, by a dealer or group of dealers in an area or locality. In connection with such prices, appropriate reporting, record keeping or other requirements may be made of the dealer or dealers involved.

[Above paragraph as amended by Am. 8, 8 F.R. 8754, effective 6-30-43]

However, in particular cases, the specific maximum prices established under this section may be such as to restore the December 1941 margins over delivered cost generally prevailing in the area or locality.

If, after such specific maximum prices are established by order, the maximum prices of the dealers' suppliers are increased or decreased by the Price Administrator, the Office of Price Administration or the regional office which issued the order may, after clearance with the Solid Fuels Branch in Washington, D. C., adjust the specific maximum prices so established to correspond generally with such increase or decrease.

[Above paragraph added by Am. 9, 8 F.R. 10358, effective 7-23-43]

[§ 1340.260 amended by Am. 1, 8 F.R. 1200, effective 1-25-43 and as otherwise noted]

§ 1340.261 *Applicability of other regulations.* (a) No provision of the General Maximum Price Regulation "shall apply to this regulation.

[Paragraph (a) as amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

(b) The minimum price established by the Bituminous Coal Division and in effect midnight August 23, 1943 and applicable to members of its Bituminous Coal Code shall be the maximum price for sales of solid fuels by such members if such minimum is greater than the maximum price otherwise established by this regulation: *Provided*, That no sale of solid fuel shall be made after December 31, 1943, at more than the maximum price established by this regulation.

[Paragraph (b) amended by Am. 11, 8 F.R. 11690, effective 8-21-43 and Am. 13, 8 F.R. 15317, effective 11-10-43]

"9 F.R. 1385.

§ 1340.262 *Records and reports—(a) Base period records.* Each dealer in solid fuels shall preserve for examination by the Office of Price Administration all his existing records relating to:

(1) The prices he charged on deliveries made by him during December 1941;

(2) His offering prices (as defined in Rule 1A of § 1340.254 of this regulation) for delivery during the period December 15-31, 1941;

(3) His customary allowances, discounts and other price differentials;

(4) His charges for all special services and rates of interest on all forms of debts during December 1941;

(5) The prices charged to him by all of his suppliers during the last month of 1941 in which he received each different size, kind and quality of solid fuel.

(b) *Current records.* Every dealer in solid fuels for whom a maximum price

is established by this Regulation shall keep and make available for examination by the Office of Price Administration records of his sales and purchases of the same type as he has customarily kept.

(c) *Reports.* Each dealer in solid fuels shall report to his District Office of the Office of Price Administration his maximum prices for sales of solid fuel within ten days after he determines or redetermines his maximum prices under any pricing rule of this revised regulation. It will not, however, be necessary for a dealer whose price for a solid fuel is established by an area ceiling order issued under § 1340.260 of this regulation to file his maximum price for that solid fuel. When any dealer reports maximum prices determined under Rule 1 of § 1340.254 of this regulation, he shall report by filling out the following form in detail:

OPA Form C3-20
(Rev. 11-43)

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
SOLID FUELS PRICE BRANCH

DETERMINATION OF MAXIMUM PRICES

(If after November 19, 1943, maximum prices are redetermined under Rule 1 of Section 1340.254 of Revised Maximum Price Regulation No. 122, this form must be filed with the District OPA office.)

Budget Bureau No. C3-RC10
Approval Expires July 1, 1944

COMPANY'S NAME

Company's address

No. and street	City	State

Date of this report

INSTRUCTIONS

Column 1. Define by type of customer and method of sale; i.e., "domestic delivered to bin," "domestic yard," "industrial delivered," "retailer," etc. If yard sales to dealers carry a uniform discount, so indicate on reverse side of this sheet under "Additional Information."

Column 2. State whether solid fuel is anthracite, low volatile or high volatile bituminous coal, coke, or other. (Specify L. V. or H. V.)

Column 3. Enter for each kind of solid fuel the highest purchase cost during December 1941 before discounts, allowances, or service charges.

If no such solid fuel was purchased in December 1941, use the next preceding month in which the solid fuel was purchased.

Columns 4, 7, 8. Enter, for each price, the price before discounts, allowances or service charges.

Line No.	Type of sale	Kind of solid fuel	Size	Pricing district	Highest purchase cost Dec. 1941	Supplier's current maximum price	Highest Dec. 1941 selling price	Now maximum selling price
	1	2	3	4	5	6	7	8
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								

If more space is necessary attach additional sheets using the above column headings.

DISCOUNTS AND CHARGES

INSTRUCTIONS: Enter in the appropriate spaces below the charges and discounts made in Dec. 1941 if any were made. Indicate by reference to line number to which of the sales described on the other side of this form these discounts and charges apply. If "all," so indicate. (If these have been modified since the base period by OPA order, give the OPA order in the space labelled "additional information.")

A. In some areas the standard unit of sales is greater than one ton

1. To sales of what quantities do the prices listed on the other side of the report apply?

2. Specify extra charges for sales of a quantity less than the standard unit, specifying quantity.

[illegible][illegible]

B. Discounts per ton for sales in larger quantities than the standard unit

[illegible]

C. Charges for special services

Services	Charges per ton				
	1 ton	2 tons	3 tons	4 tons	5 tons or over
Carrying					
Traveling					
Trimming					
Other (specify)					
Other (specify)					

D. Cash discounts allowed

1. C. O. D. Sales.....	
2. Payments within—	Cash discount
a. 10 days.....	
b. 15 days.....	
c. 30 days.....	
d. Other (specify).....	

E. Miscellaneous charges

1. Dust proofing _____
2. Extra long haul _____
3. Other (specify) _____

ADDITIONAL INFORMATION

I CERTIFY that the information on this form is correct to the best of my knowledge and belief:

(Signature of company official)

[Paragraph (c) as amended by Am. 14, 8 F.R. 16063, effective 11-19-43]

§ 1340.263 *Posting of maximum prices; sales slips and receipts.* (a) Every dealer of solid fuels shall post all his maximum prices in dollars and cents per net or gross ton or fraction thereof, (or other unit of weight or measurement customarily used by him in his business) in a manner plainly visible to and understandable by the purchasing public for all cash and other sales under all methods and terms of delivery to all classes of purchasers of the purchasing public.

(b) Every dealer who during December 1941 customarily gave purchasers sales slips or receipts shall continue to do so. If a purchaser requests of a seller a receipt showing the name and address of the dealer, the kind, size and quality of the solid fuel sold to him or the price charged, the dealer shall comply with the purchaser's request as made by him.

§ 1340.264 *Enforcement.* (a) Persons violating any provision of this revised regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages provided for by

the Emergency Price Control Act of 1942,
as amended.

(b) Persons who have any evidence of any violation of this regulation or any price schedule, regulation or order issued by the Office of Price Administration are urged to communicate with the nearest regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1340.264a *Licensing.* The provisions of Licensing Order No. 1,² licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1340.264a added by Supplementary Order
No. 72, 8 F.R. 13244, effective 10-1-43]

¹² 8 F.R. 13240.

§ 1340.265 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, transportation, process, or use of solid fuel imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the dealer's maximum price for solid fuel and in preparing his records with respect thereto:

(a) As to a tax in effect during December 1941:

(1) If the dealer paid such tax, or if the tax was paid by any of his prior suppliers, irrespective of whether the amount thereof was separately stated and collected from the dealer, but the dealer did not customarily state and collect separately from the purchase price during December 1941 the amount of the tax paid by him or tax reimbursement collected from him by his supplier, the dealer may not collect such amount in addition to his maximum price, and in such case shall include such amount in determining the maximum price under this revised regulation.

(2) In all other cases if, at the time the dealer determines his maximum price, the statute or ordinance imposing such tax does not prohibit the dealer from stating and collecting the tax separately from the purchase price, and the dealer does state it separately, he may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of the tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased, and the dealer shall not include such amount in determining the maximum price under this regulation.

(b) As to a tax or increase in a tax which becomes effective after December 1941, if the statute or ordinance imposing such tax or increase does not prohibit the dealer from stating or collecting the tax separately from his selling price and the dealer does separately state, the dealer may collect, in addition to his maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any of his prior suppliers and separately stated and collected from the dealer by the supplier from whom he purchased. However, the dealer need not state separately from his selling price the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

[Paragraph (b) amended by Am. 12, 8 F.R.
12659, effective 9-20-43 and Am. 17, 9 F.R.
573, effective 1-18-44]

§ 1340.266 *Definitions.* (a) When used in this Maximum Price Regulation No. 122, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United

States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means (i) a person engaged in the business of mining solid fuel or preparing solid fuel at a mine or preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, and (ii) any person acting as an agent of a producer in the sale of solid fuel.

(3) "Distributor" means (i) in the case of bituminous coal, a person who purchases bituminous coal at a mine or preparation plant operated as an adjunct of any mine for resale, and resells the same in not less than cargo or railroad carload lots, all as more fully defined in the Bituminous Coal Act of 1937, as amended, and rules and regulations issued thereunder and in effect midnight August 23, 1943, and any person acting as an agent of such distributor in the sale of bituminous coal; and (ii) in the case of any other solid fuel, a person who purchases it at or for delivery from a mine or a preparation plant operated as an adjunct of any mine, a coke oven or briquette plant, for resale and resells the same in not less than cargo or railroad carload lots, without physically handling such solid fuel, and any person acting as an agent of such distributor in the sale of solid fuel.

[Subparagraph (3) as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

(4) "Solid fuel" (or "solid fuels") means all solid fuel except wood and wood products, including all kinds of anthracite and semi-anthracite; bituminous and semi-bituminous, sub-bituminous and cannel coal; lignite; all coke, including low temperature coke (except coke sold subject to Maximum Price Regulation No. 29—By-Product and Retort Gas Coke, and to Maximum Price Regulation No. 77—Beehive Oven Coke); briquettes made from coke or coal; and sea coal used for foundry facings.

[Subparagraph (4) as amended by Am. 18, effective 2-28-44]

(5) "F. o. b." means free on board whatever facilities may be used for transportation at the shipping point indicated by the words following f. o. b. where it appears in this regulation.

(6) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly.

(7) "Dealer" means a person selling solid fuels subject to this revised regulation or a person who sold solid fuels subject to Maximum Price Regulation No. 122—Solid Fuels Delivered From Facilities Other Than Producing Facilities—Dealers.

(8) "Bituminous Coal Division" means the Bituminous Coal Division of the United States Department of the Interior, as established pursuant to the Bituminous Coal Act of 1937 as amended, and the President's Second Reorganization Plan of 1939, and in effect midnight

August 23, 1943. "District Nos. 1-20 inclusive, 22 and 23," mean the geographical bituminous coal producing districts as defined in the Bituminous Coal Act of 1937, as amended, and as they were modified up to midnight August 23, 1943.

[Former subparagraph (8) revoked by Am. 18, effective 2-28-44; present subparagraph (8), formerly (9), as amended by Am. 11, 8 F.R. 11690, effective 8-21-43]

(9) "Weighted average price" is that price obtained by dividing the total amount charged for a size, kind and quality of solid fuel by the total tonnage of the same fuel received or delivered, as the case may be, during the applicable period specified by this regulation.

(10) "District No." refers to the producing districts delineated and numbered by the Bituminous Coal Act of 1937, as amended.

[Subparagraphs (9) and (10), formerly (10) and (11), added by Am. 2, 8 F.R. 3524, effective 3-19-43]

§ 1340.267 *Effective date.* This Revised Maximum Price Regulation No. 122 (§§ 1340.251 to 1340.267, inclusive) shall become effective January 9, 1943. [Issued January 9, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2590; Filed, February 22, 1944; 4:49 p. m.]

TABLE A—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound			
					January	February	March	April
					Bulk ex-vessel	Bulk ex-vessel	Bulk ex-vessel	Bulk ex-vessel
27.....	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tshawytscha); 14	1	Drawn.....	14 and over.....	\$0.24	\$0.24	\$0.24
	Red Mated.....	2	Drawn.....	Under 14.....	.22	.22	.22
	Red Mated.....	4	Round.....	14 and over.....	.20	.20	.20
	Red Mated.....	5	Round.....	Under 14.....	.18 1/4	.18 1/4	.18 1/4
33.....	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha); 14	1	Round.....	All sizes.....	.20	.20	.20	\$0.17
34.....	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha); 14	1	Round.....	All sizes.....	.20	.20	.20	.15
34A.....	Salmon, Chinook or King troll caught (Pacific Coast) (Oncorhynchus tshawytscha); 14	1	Round.....	All sizes.....	.20	.20	.20	.15
35.....	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri); 14	1	Round.....	All sizes.....	.12	.12	.12

2. In section 20, Table B is amended by changing the price per pound for Schedule No. 27, Item Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February, and March, and by inserting prices per pound for Schedule Nos. 33, 34, and 34A, Item Nos. 1, 2, 3, and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4 for the months of January, February, March, April, and May, all to read as follows:

* Copies may be obtained from the Office of Price Administration.

18 F.R. 9368, 10080, 10513, 10939, 11734, 11637, 12469, 12233, 12633, 13237, 13182, 13302, 14049, 14475, 14616, 15257, 15430, 16131, 16293, 16296; 9 F.R. 90.

PART 1341—CANNED AND PRESERVED FOODS

[MPR 559]

PACKED CITRUS PRODUCTS OF THE 1944 AND LATER PACKS

Correction

In F.R. Doc. 44-1729, appearing on page 1512 of the issue for Tuesday, February 8, 1944, the entries of columns 1 and 2 of item 2 in the table under section 2.1 should appear opposite "Natural (unsweetened)" in column 3.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418; Amdt. 24]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. In section 20, Table A is amended by changing the prices per pound bulk ex-vessel for Schedule No. 27, Item Nos. 1, 2, 4 and 5, for the months of January, February and March, Schedule No. 34A, Item No. 1, for the months of January, February, March and April, and Schedule No. 35, Item No. 1, for the months of January and February, and by inserting prices per pound bulk ex-vessel for Schedule No. 33, Item No. 1, and Schedule No. 34, Item No. 1, for the months of January, February, March and April, and Schedule No. 35, Item No. 1, for the month of March, all to read as follows:

TABLE B—MAXIMUM PRICES FOR PRIMARY FISH SHIPPER SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound			
					January	February	March	April May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tshawytscha):	1	Drawn	14# & over	\$0.27	\$0.27	\$0.27	
		2	Drawn	Under 14#	.25	.25	.25	
		3	Dressed	12# & over	.30	.30	.30	
		4	Dressed	Under 12#	.27	.27	.27	
		5	Steaks	All sizes	.34	.34	.34	
		6	Round	16# & over	.22	.22	.22	
		7	Round	Under 16#	.20	.20	.20	
		8	Dressed	All sizes	.22	.22	.22	
		9	Steaks	All sizes	.30	.30	.30	
		10	Round	All sizes	.27	.27	.27	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha):	1	Drawn	14# & over	.34	.34	.34	
		2	Drawn	Under 14#	.30	.30	.30	
		3	Dressed	12# & over	.34	.34	.34	
		4	Dressed	Under 12#	.30	.30	.30	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri):	1	Drawn	14# & over	.18	.18	.18	
		2	Drawn	Under 14#	.16	.16	.16	
		3	Dressed	12# & over	.18	.18	.18	
		4	Dressed	Under 12#	.16	.16	.16	

3. In section 20, Table C is amended by changing the prices per pound for Schedule No. 27, Item Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February and March, and by inserting prices per pound for Schedule Nos. 33, 34 and 34A, Item Nos. 1, 2, 3 and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4, for the months of January, February, March, April and May, all to read as follows:

TABLE C—MAXIMUM PRICES FOR RETAILER-OWNED COOPERATIVE SALES AND SALES BY WHOLESALERS OTHER THAN PRIMARY FISH-SHIPPER WHOLESALERS TO OTHER WHOLESALERS OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound			
					January	February	March	April May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tshawytscha):	1	Drawn	14# & over	\$0.29	\$0.29	\$0.29	
		2	Drawn	Under 14#	.27	.27	.27	
		3	Dressed	12# & over	.32	.32	.32	
		4	Dressed	Under 12#	.29	.29	.29	
		5	Steaks	All sizes	.36	.36	.36	
		6	Round	16# & over	.24	.24	.24	
		7	Round	Under 16#	.22	.22	.22	
		8	Dressed	All sizes	.24	.24	.24	
		9	Steaks	All sizes	.32	.32	.32	
		10	Round	All sizes	.29	.29	.29	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha):	1	Drawn	14# & over	.34	.34	.34	
		2	Drawn	Under 14#	.30	.30	.30	
		3	Dressed	12# & over	.34	.34	.34	
		4	Dressed	Under 12#	.30	.30	.30	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri):	1	Drawn	14# & over	.16	.16	.16	
		2	Drawn	Under 14#	.14	.14	.14	
		3	Dressed	12# & over	.16	.16	.16	
		4	Dressed	Under 12#	.14	.14	.14	

4. In section 20, Table D is amended by changing the prices per pound for Schedule No. 27, Item Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February and March, and by inserting prices per pound for Schedule Nos. 33, 34 and 34A, Item Nos. 1, 2, 3 and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4, for the months of January, February, March, April and May, all to read as follows:

TABLE D—MAXIMUM PRICES FOR CASH AND CARRY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound			
					January	February	March	April May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tshawytscha):	1	Drawn	14# & over	\$0.30	\$0.30	\$0.30	
		2	Drawn	Under 14#	.28	.28	.28	
		3	Dressed	12# & over	.33	.33	.33	
		4	Dressed	Under 12#	.30	.30	.30	
		5	Steaks	All sizes	.37	.37	.37	
		6	Round	16# & over	.25	.25	.25	
		7	Round	Under 16#	.23	.23	.23	
		8	Dressed	All sizes	.25	.25	.25	
		9	Steaks	All sizes	.33	.33	.33	
		10	Round	All sizes	.30	.30	.30	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha):	1	Drawn	14# & over	.33	.33	.33	
		2	Drawn	Under 14#	.30	.30	.30	
		3	Dressed	12# & over	.33	.33	.33	
		4	Dressed	Under 12#	.30	.30	.30	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri):	1	Drawn	14# & over	.17	.17	.17	
		2	Drawn	Under 14#	.15	.15	.15	
		3	Dressed	12# & over	.17	.17	.17	
		4	Dressed	Under 12#	.15	.15	.15	

5. In section 20, Table E is amended by changing the prices per pound for Schedule No. 27, Item Nos. 1, 2, 4, 5, 7, 9 and 10, and Schedule No. 35, Item Nos. 1 and 2, for the months of January, February and March, and by inserting prices per pound for Schedule Nos. 33, 34 and 34A, Item Nos. 1, 2, 3 and 4, for the months of January, February, March and April, and Schedule No. 35, Item Nos. 3 and 4, for the months of January, February, March, April and May, all to read as follows:

TABLE E—MAXIMUM PRICES FOR SERVICE AND DELIVERY SALES OF FRESH FISH AND SEAFOOD

Schedule No.	Name	Item No.	Style of dressing	Size	Price per pound			
					January	February	March	April May
27	Salmon, Chinook or King (Pacific Coast) troll caught (Oncorhynchus tshawytscha):	1	Drawn	14# and over	\$0.32	\$0.32	\$0.32	
		2	Drawn	Under 14#	.30	.30	.30	
		3	Dressed	12# and over	.35	.35	.35	
		4	Dressed	Under 12#	.32	.32	.32	
		5	Steaks	All sizes	.40	.40	.40	
		6	Round	16# and over	.28	.28	.28	
		7	Round	Under 16#	.26	.26	.26	
		8	Dressed	All sizes	.28	.28	.28	
		9	Steaks	All sizes	.35	.35	.35	
		10	Round	All sizes	.32	.32	.32	
33, 34, 34A	Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha):	1	Drawn	14# and over	.35	.35	.35	
		2	Drawn	Under 14#	.32	.32	.32	
		3	Dressed	12# and over	.38	.38	.38	
		4	Dressed	Under 12#	.35	.35	.35	
35	Salmon, Steelhead (Pacific Coast) (Salmo gairdneri):	1	Drawn	14# and over	.20	.20	.20	
		2	Drawn	Under 14#	.18	.18	.18	
		3	Dressed	12# and over	.20	.20	.20	
		4	Dressed	Under 12#	.18	.18	.18	

This amendment shall become effective February 28, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2892; Filed, February 22, 1944; 4:48 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348, Amdt. 35]

LOGS AND BOLTS

Correction

In F.R. Doc. 44-1884 appearing on page 1572 of the issue for Wednesday, February 9, 1944, under the heading "Birch, hard maple, ash, red oak" of the table, the fifth price should read "0.95"; under "Cedar," the first paragraph should read: "For 8½" tie cuts of all species add \$0.10 per tie cut."

[RMPR 169, Amdt. 38]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The following sentence is added to § 1364.452 (n) (1) to read as follows:

"The prices established for boneless processing beef shall apply only on sales of boneless processing beef to processors and no person shall sell or deliver any boneless processing beef unless the buyer of such boneless processing beef is a bona fide processor of processed products."

2. The effective date provision of Amendment No. 36 to Revised Maximum Price Regulation No. 169 is amended to read as follows:

Amendment No. 36 shall become effective March 1, 1944, except that it shall remain effective as of December 1, 1943, in any case where, prior to February 22, 1944, an adjusted quota has been authorized pursuant to the provisions of Amendment No. 36, or in any case where a previously established quota is increased by the provisions of Amendment No. 36.

This amendment shall become effective February 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2591; Filed, February 22, 1944;
4:48 p. m.]

PART 1301—MACHINE TOOLS

[MPR 1, Amdt. 2]

SECOND-HAND MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith,

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10364, 10671, 11298, 11445.

28 F.R. 10116.

has been filed with the Division of the Federal Register.*

In section 3 (c) the last sentence is revoked and three new sentences are added to read as follows:

In the event of either a sale by a government agency, or a sale for the benefit of creditors where a government agency is the largest creditor, a written certificate may be substituted for the warranty, the invoicing and the guaranty of satisfactory operation. The certificate must be signed by a qualified person who is not in the business of selling second-hand machine tools and who is approved by the purchaser. This certificate must state that such person has inspected the second-hand machine tool, that all worn or missing parts have been replaced or reworked, and that the second-hand machine tool has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new.

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2612; Filed, February 23, 1944;
11:36 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 289, Amdt. 26]

CHEDDAR CHEESE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 289 is amended in the following respect:

Section 1351.1519 is amended to read as follows:

§ 1351.1519 *Maximum prices for cheddar cheese*—(a) *Sales of cheddar cheese by manufacturers and assemblers*—(1) *Sales by a cheese factory or cheesemaker*—(i) *In Wisconsin*. The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place in Wisconsin shall be as set forth in Table A below (except as provided in subparagraph (2) below for "cheddars," "twins," "flats," and larger styles of 37.7% or less moisture content).

TABLE A

Maximum price (cents per lb.)	Styles	Approximate weight (pounds)
23½	Cheddars, Twins & Larger	70 or more
23½	Flats	25
23½	Double Daisies	44
23½	Triple Daisies	63
23½	Single Daisies	22
23½	Longhorns	12
23½	Young Americas	12
23½	Pleasant and Milds	12
23½	Square prints	10
23½	Natural Leaf & Smaller Styles	5 or less

17 F.R. 10936; 8 F.R. 430, 1455, 1835, 1972, 3252, 3253, 3327, 4335, 4513, 4337, 4338, 4918, 6440, 7566, 7593, 8276, 8761, 9380, 9229, 10667, 11245.

(ii) *Outside Wisconsin*. The maximum price for the sale of cheddar cheese by a cheese factory or cheesemaker delivered at any place outside Wisconsin shall be the appropriate price set forth in Table A above plus a "transportation factor."

(iii) The prices in the preceding subdivisions (i) and (ii) are prices for unparaffined, ungraded, bulk cheddar cheese of 39% or less moisture content packed in boxes customarily employed for the particular styles listed in Table A.

(iv) *Marking of date and place of manufacture*. On and after the effective date of this regulation every person engaged in the manufacture of cheddar cheese shall mark plainly and conspicuously on the side of such cheese before it leaves the cheese factory, with dark colored vegetable ink, the name of the state in which the cheese has been manufactured and the day, month, and year of manufacture.

(2) *Maximum prices for "Cheddars", "twins", "flats", and larger styles of 37.7% or less moisture content*. The maximum price for the sale of "cheddar", "twin", "flats", or larger styles of cheddar cheese of a moisture content of 37.7% or less by a cheese factory or cheesemaker to an assembler, or by any person to a cheese processor, a food processor, or to the United States Government or any agency thereof, shall be as provided in subdivisions (i) and (ii) of this subparagraph.

(i) Where delivery is made at any place in Wisconsin the maximum price shall be set forth in Table B below.

(ii) Where delivery is made at any place outside Wisconsin the maximum price shall be the appropriate price set forth in Table B below, plus a "transportation factor".

TABLE B

Moisture content	Maximum price, cents per pound	
	For cheddars, twins, and larger styles	For flats
33.5%	23.54	23.79
Over 33.5% but not over 33.7%	23.55	23.80
Over 33.7% but not over 34.2%	23.19	23.41
Over 34.2% but not over 34.7%	22.97	23.22
Over 34.7% but not over 35.2%	22.77	23.02
Over 35.2% but not over 35.7%	22.53	22.83
Over 35.7% but not over 36.2%	22.33	22.64
Over 36.2% but not over 36.7%	22.13	22.45
Over 36.7% but not over 37.2%	21.91	22.25
Over 37.2% but not over 37.7%	21.69	22.07

(3) *Transportation charges; cheese factory to assembler*. (i) In addition to the maximum prices established in subparagraphs (1) and (2) of this paragraph, a cheese assembler may compensate any cheese factory, cheesemaker, or other person who hauls cheese from the cheese factory to the assembler's warehouse for such hauling services. The maximum price which may be paid by a cheese assembler or charged by a cheese factory or hauler or other carrier for this service may not exceed the appropriate price set forth in Table C below. This price must be based on the actual distance from the cheese factory to the assembler's warehouse. The distance between the cheese factory and the

assembler's warehouse shall be computed via the nearest publicly traveled route.

TABLE C

Miles (one way)—not over—	Cents per 100 pounds net weight	Miles (one way)—not over—	Cents per 100 pounds net weight
5.....	17	120.....	46
10.....	18	130.....	47
15.....	20	140.....	49
20.....	21	150.....	51
25.....	23	160.....	53
30.....	24	170.....	55
35.....	26	180.....	56
40.....	27	190.....	58
45.....	29	200.....	60
50.....	30	210.....	62
55.....	31	220.....	63
60.....	32	230.....	65
65.....	34	240.....	66
70.....	35	250.....	68
75.....	36	260.....	69
80.....	37	270.....	71
85.....	38	280.....	72
90.....	40	290.....	74
100.....	42	Over 290.....	75
110.....	44		

(ii) *Provided*, That if the hauling service is performed by a common or a contract carrier, the maximum price for such hauling service shall be the appropriate published rate of such carrier.

(iii) An assembler who, either with his own truck or by other means, performs the hauling service from the factory to the assembling warehouse, may not pay the allowable hauling charge or any portion thereof to any person not actually performing the service; and no person, including factory, cheesemaker, trustee, or any agent thereof, may charge or accept any payment for such service which is in fact performed by the assembler or his agent.

(4) *Assembling costs.* (i) Whenever assembling operations are performed by an "authorized cheese assembler", $\frac{3}{4}$ cents per pound may be added to the maximum prices established in subparagraphs (1) and (2) of this paragraph for each pound of cheddar cheese so assembled. An "authorized cheese assembler" means a cheese assembler authorized by the War Food Administration of the United States Department of Agriculture pursuant to Food Distribution Order No. 15—Cheddar Cheese, issued by the United States Department of Agriculture.

(ii) *Provided, however*, That where the assembled cheddar cheese is cheese which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar Orders issued by the War Food Administrator, the assembly allowance which may be added shall be 1 cent per pound.

(iii) For the purpose of this paragraph, no person shall be entitled to the additional assembling allowance unless he performs the following functions: accumulates cheese; grades it in accordance with legal requirements, or, in the absence of such requirements, in accordance with customary industry practices; paraffins it; weighs it; stores it in a refrigerated space; and customarily ships it in carload lots. For the purpose of this subparagraph paraffining means a covering of all surfaces of the cheese by dipping in paraffin having a temperature of not less than 240° Fahrenheit. The

cheese, before paraffining, must have dry, clean surfaces free of mold and be not less than 3 days old at time of dipping.

(iv) This assembly allowance shall include transportation costs, if any, from the cheese factory to the assembling warehouse, whether the assembling warehouse is located inside or outside the State of Wisconsin.

(b) *Processed cheddar cheese sold by manufacturers—*(1) *In Wisconsin.* The maximum price for the sale of "Processed cheddar cheese" by a manufacturer delivered at any place in Wisconsin shall be as set forth in Table D below.

TABLE D

Weight of package	Cents per pound
Half pound or less (for example, the $\frac{1}{2}$ pound and $\frac{3}{4}$ pound size).....	29.75
Over half pound to 2 pounds inclusive (for example the 2-pound size).....	28.00
Over 2 pounds (for example, the 5-pound size).....	27.00

(2) *Outside Wisconsin.* The maximum price for the sale of "Processed cheddar cheese" by a manufacturer delivered at any place outside Wisconsin shall be the appropriate price set forth in Table D above plus a "transportation factor".

(c) *Sales of cheddar cheese and "Processed cheddar cheese" by a wholesaler—*

(1) *Sales by a "primary wholesaler"—*

(i) *Definition.* A "primary wholesaler" is a person who sells to a wholesaler or to a retailer distributing warehouse. (No assembler, however, shall be considered a primary wholesaler as to any cheese sold to a processor for processing.)

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place in Wisconsin shall be as set forth in Table E below.

TABLE E

	Cents per pound
Cheddars, twins or larger styles.....	24.48
Flats.....	24.73
Double or Triple Daisies.....	24.99
Single Daisies, Longhorns, or Young Americas.....	25.5
Picnics, Midgets, Square prints, or natural loaf or smaller styles.....	25.75
"Processed Cheddar Cheese":	
Package weighing $\frac{1}{2}$ pound or less.....	30.34
Package weighing over $\frac{1}{2}$ pound to 2 pounds.....	28.56
Package weighing over 2 pounds.....	27.54

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "primary wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table E above plus a "transportation factor".

(2) *Sales by a "service wholesaler"—*

(i) *Definition.* A "service wholesaler" is a person who sells to, and makes delivery to the physical premises of, an individual retail store, or an individual commercial, industrial, institutional, or non-federal governmental user.

(ii) The maximum price for the sale of any "cheese item" by a "service wholesaler" delivered to the physical premises of a purchaser, (designated in subdivi-

sion (i) of this subparagraph) at any place in Wisconsin shall be as set forth in Table F below.

TABLE F

	Cents per pound
Cheddars, Twins or larger styles.....	26.04
Flats.....	26.91
Double or Triple Daisies.....	27.19
Single Daisies, Longhorns, or Young Americas.....	27.75
Picnics, Midgets, Square Prints, or Natural Loaf or smaller styles.....	28.02
"Processed Cheddar Cheese":	
Package weighing $\frac{1}{2}$ pound or less.....	33.70
Package weighing over $\frac{1}{2}$ pound to 2 pounds.....	31.08
Package weighing over 2 pounds.....	29.97

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a service wholesaler delivered to the physical premises of a purchaser (designated in subdivision (i) of this subparagraph), at any place outside Wisconsin shall be the appropriate price set forth in Table F above plus a "transportation factor".

(3) *Sales by a cash and carry wholesaler—*(i) *Definition.* A "cash and carry wholesaler" is a person who sells to and does not make delivery to the physical premises of an individual retail store or to an individual commercial, industrial, institutional or non-federal governmental user.

(ii) *In Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place in Wisconsin shall be as set forth in Table G below.

TABLE G

	Cents per pound
Cheddars, Twins or larger styles.....	25.68
Flats.....	25.94
Double or Triple Daisies.....	26.21
Single Daisies, Longhorns, or Young Americas.....	26.75
Picnics, Midgets, Square prints, or natural loaf or smaller styles.....	27.01
"Processed Cheddar Cheese":	
Package weighing $\frac{1}{2}$ pound or less.....	31.83
Package weighing over $\frac{1}{2}$ pound to 2 pounds.....	29.06
Package weighing over 2 pounds.....	28.89

(iii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" by a "cash and carry wholesaler" delivered at any place outside Wisconsin shall be the appropriate price set forth in Table G above plus a "transportation factor".

(4) *Reference to assembling allowance.*

(i) The maximum prices established in subparagraphs (1), (2), and (3) of this paragraph (c) for sales "by a wholesaler" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section.

(ii) The maximum price for the sale of cheddar cheese by a wholesaler which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1), (2), or (3) of this paragraph (c) minus $\frac{3}{4}$ ¢ per pound.

(d) *Sales to U. S. Government—*(1) *In general—*(i) *In Wisconsin.* The

maximum price for the sale of any "cheese item" to the U. S. Government or any of its agencies delivered at any place in Wisconsin shall be as set forth in Table H below.

TABLE H

	Cents per pound
Cheddars, Twins, or larger styles.....	24.25
Flats.....	24.50
Double or Triple Daisies.....	24.75
Single Daisies, Longhorns, or Young Americas.....	25.25
Picnics, Midgets, Square Prints, or natural loaf or smaller styles.....	25.50
"Processed Cheddar Cheese":	
Package weighing ½ pound or less.....	29.75
Package weighing over ½ pound to 2 pounds.....	28.00
Package weighing over 2 pounds.....	27.00

(ii) *Outside Wisconsin.* The maximum price for the sale of any "cheese item" to the U. S. Government or any of its agencies delivered at any place outside Wisconsin shall be the maximum price set forth in Table H above plus a "transportation factor."

(2) *Sales and deliveries to individual army posts, naval bases, or Federal hospitals, schools, or penal institutions—(i) In Wisconsin.* Notwithstanding subparagraph (1) of this paragraph the maximum price for the sale of any "cheese item" made to, and delivery made to the physical location of, an individual army post or naval base, or a federal hospital, school, or penal institution located at any place in Wisconsin shall be as follows:

(a) For sales and deliveries of quantities of less than carload lots but more than 5,000 pounds, the maximum prices set forth in Table I below:

TABLE I

	Cents per pound
Cheddars, Twins or larger styles.....	24.73
Flats.....	24.99
Double or Triple Daisies.....	25.24
Single Daisies, Longhorns, or Young Americas.....	25.75
Picnics, Midgets, Square prints, or natural loaf or smaller styles.....	26.01
"Processed Cheddar Cheese":	
Package weighing ½ pound or less.....	30.34
Package weighing over ½ pound to 2 pounds.....	28.56
Package weighing over 2 pounds.....	27.54

(b) For sales and deliveries of quantities of 5,000 pounds or less, the maximum prices set forth in Table J below:

TABLE J

	Cents per pound
Cheddars, Twins or larger styles.....	25.94
Flats.....	26.21
Double or Triple Daisies.....	26.48
Single Daisies, Longhorns, or Young Americas.....	27.01
Picnics, Midgets, Square prints, or natural loaf or smaller styles.....	27.28
"Processed Cheddar Cheese":	
Package weighing ½ pound or less.....	31.83
Package weighing over ½ pound to 2 pounds.....	29.96
Package weighing over 2 pounds.....	28.89

(ii) *Outside Wisconsin.* And provided further, The maximum price for the sale of any "cheese item" made to, and delivery made to the physical premises of, an individual army post or naval base, or a federal hospital, school, or penal institution located at any place outside Wisconsin shall be the appropriate

price in either Table I or Table J above, whichever is applicable, plus a "transportation factor".

(3) *Reference to assembling allowance and food distribution order.* (i) The maximum prices established in subparagraphs (1) and (2) of this paragraph (d) for "sales to the United States Government" are for cheddar cheese which has been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section and which has been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15, or similar orders issued by the War Food Administrator.

(ii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been assembled by an "authorized cheese assembler" in accordance with the requirements of paragraph (a) (4) of this section shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus 1¢ per pound.

(iii) The maximum price for the sale to the United States Government of any cheddar cheese which has not been set aside for sale to the United States Government pursuant to Food Distribution Order No. 15 or similar orders issued by the War Food Administrator shall be the appropriate maximum price established in subparagraphs (1) and (2) of this paragraph (d) minus ¼¢ per pound.

(c) *Calculations.* All maximum prices established by this Section shall be calculated on a cents per pound basis and all calculations shall be carried to the second decimal point. All calculations of any "transportation factor" shall be made on a cents per pound basis and shall be carried to the second decimal point. Any final calculation of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest tenth of a cent.

(d) *Discounts and allowances.* The maximum prices established in the foregoing paragraphs of this section must be reduced by the customary discounts or allowances for cash or prompt payment. However, any change in customary discounts, allowances, or other price differentials may always be made when it results in a lower price than would the customary discounts or allowances.

(e) *Evasive practices prohibited—(1) Used cheese boxes.* The maximum prices established for sales by cheese factories or cheesemakers in paragraphs (a) (1) and (a) (2) of this section shall not be evaded by the selling or furnishing to any cheese factory or cheesemaker or any agent or affiliate thereof, of used wooden cheese boxes at less than their true economic value by any purchaser of cheese from such cheese factory or cheesemaker, or by any agent or affiliate of such purchaser. Any sale of used cheese boxes by such purchaser, his agent, or affiliate to a cheese factory, cheesemaker, or agent or affiliate thereof, at any price less than the prices established in Table K below shall be considered prima facie evidence of an evasion of paragraph (a) (1) and (a) (2) of this section.

TABLE K

Used boxes for—	F. o. b. assembling warehouse	Delivered to cheese factory
	Cents	Cents
Twins and Cheddars.....	23	30
Single Daisies.....	18	19
Longhorns.....	26	27
Flats.....	22	23

(2) *Supplies.* No purchaser from a cheese factory or cheesemaker or agent or affiliate of such purchaser shall sell, lend, or otherwise transfer supplies or equipment, except cheese hoops, to such cheese factory, cheesemaker, or agent or affiliate thereof at less than the true value of such supplies and equipment. Any sale or transfer contrary to the provisions of this subparagraph is an evasion of paragraph (a) (1) and (a) (2) of this section and is hereby prohibited.

(3) The practices described in subparagraphs (1) and (2) of this paragraph as evasions of this regulation are in addition to any evasive practices prohibited by § 1351.1506 of this regulation.

(f) *Definitions—(1) Cheddar cheese.* "Cheddar cheese", frequently called "American cheese", means "Cheddar cheese" as defined in the "Standards of Identity for Cheddar cheese, cheese, washed curd cheese, Colby cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941, Page 195. It contains not more than 39% of moisture and its solids contain not less than 50% of milk fat.

(2) *Processed cheddar cheese.* "Processed cheddar cheese" is cheddar cheese which has been graded, cleaned, blended, ground, pasteurized, and packaged. It shall contain not more than 40% of water and in the water free substance not less than 50% of milk fat.

(3) *Transportation factor.* A "Transportation factor" means the lowest published railroad carlot freight rate per pound gross weight from Plymouth, Wisconsin, to the place of delivery multiplied by 1.15. In calculating transportation charges referred to in the foregoing paragraphs, the 3% transportation tax imposed by section 620 of the Revenue Act of 1942 shall be included.

(4) *Cheese item.* "Cheese item" means any of the particular styles and sizes of cheddar cheese and of processed cheddar cheese listed in Tables D, E, F, G, and H of this section.

(5) *"Delivered at any place".* The phrase, "delivered at any place" comprehends all sales whether made on the basis of actual delivery to the point of shipping destination or on the basis of F. O. B. shipping point or some other point. Any cheese item sold F. O. B. any point shall be considered "delivered" at that point.

(6) *Place.* "Place" means any city, town, village or hamlet within the United States.

(7) *Retailer distributing warehouse.* "A retailer distributing warehouse" is a place where cheese is received and held for disposition to retail stores. Chain store warehouses and retailer owned co-operative warehouses are included in the

meaning of "retailer distributing warehouse".

This amendment shall become effective February 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2614; Filed, February 23, 1944;
11:36 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amdt. 109]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

In § 1390.11 (a) (2) the last sentence is revoked and three new sentences are added to read as follows:

In the event of either a sale by a government agency, or a sale for the benefit of creditors where a government agency is the largest creditor a written certificate may be substituted for the guarantee. The certificate must be signed by a qualified person who is not engaged in the business of selling second-hand machines or parts. This certificate must state that such person has inspected the second-hand machine or part and that all worn or missing components which should be replaced or repaired for satisfactory operation, if any, have been replaced or repaired.

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2613; Filed, February 23, 1944;
11:36 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1² to GMPR, Amdt. 48]

ORES AND ORE CONCENTRATES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 1 is amended in the following respect:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 16132
² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

1. Section 2.9 is amended by adding at the end thereof the following:

(i) Brucite when sold to a producer of magnesium metal for use in the production of magnesium metal.

This amendment shall become effective February 29, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 23d day of February 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-2615; Filed, February 23, 1944;
11:36 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[ACP-1944-1]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART F—1944

The last paragraph of the document appearing on page 1591 of the February 10, 1944 issue of the FEDERAL REGISTER (F.R. Doc. 44-1914) should read:

Done at Washington, D. C., this 9th day of February 1944.

Done at Washington, D. C., this 23d day of February 1944.

GROVER B. HILL,
First Assistant

War Food Administrator.

[F. R. Doc. 44-2607; Filed, February 23, 1944;
11:16 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter IX—Transport

PART 93—TRANSPORTATION OF INDIVIDUALS

PASSENGERS ON ARMY TRANSPORTS

In § 93.25 (9 F.R. 873) paragraph (d) is amended to read as follows:

§ 93.25 *Passengers on Army transports.* * * *

(d) *Taxes.* All passage money collected in the United States and territories is subject to United States Transportation Tax. This tax must be collected from the individual when passage is arranged and disposition made in accordance with Regulation 42, United States Treasury Department, Bureau of Internal Revenue. All other foreign government taxes, port dues, landing or embarkation tax, or other charges levied against passengers or passenger fares will be collected from passengers in addition to passenger fares. (R.S. 161; 5 U.S.C. 22) [Cir. 68, W.D., 15 February 1944]

[SEAL]

ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-2586; Filed, February 22, 1944;
2:29 p. m.]

Notices

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-20]

FOURBORO CONTRACTING CORPORATION

FINDING AS TO CONTRACT FOR MAINTENANCE AND REPAIR OF SHIPS

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. no. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving the Fourboro Contracting Corporation, New York, New York;

I find that the maintenance and repair of ships, including cleaning and painting of ship surfaces and cleaning of boilers and fresh water tanks, by the Fourboro Contracting Corporation, New York, New York, pursuant to contract with the General Ship Repair Company, Baltimore, Maryland, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 21st day of February 1944.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 44-2587; Filed, February 22, 1944;
2:54 p. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079) and Administrative Order June 7, 1943 (8 F.R. 7890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Cadillac Shirt Company, 374 Elm Street, Perth Amboy, New Jersey; men's shirts and under shorts; 7 learners (T); effective February 16, 1944, expiring February 15, 1945.

Hamilton Carhartt Overall Company, Carhartt Park, Irvine, Kentucky; work clothes, overalls, coveralls and caps; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

M. Janowitch & Sons, Main & Market Streets, Mahanoy City, Pennsylvania; cotton and rayon blouses and dresses; 10 percent (T); effective February 18, 1944, expiring February 17, 1945.

Juvenile Manufacturing Company, 327 North Flores Street, San Antonio, Texas; Children's and infants' wearing apparel; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

Meyersdale Manufacturing Company, Inc., Grant Street, Meyersdale, Pennsylvania; army and civilian shirts; 50 learners (AT); effective February 17, 1944, expiring August 16, 1944.

S & S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; men's and boys' pants; 10 percent (T); effective February 16, 1944, expiring February 15, 1945.

H. B. Spoont, 12-18 East Coal Street, Shenandoah, Pennsylvania; slacks, shorts, overalls, shirts; 10 learners (T); effective February 19, 1944, expiring February 18, 1945.

HOSIERY INDUSTRY

Hosiery Processing Company, 106 Hooker Road, Rossville, Georgia; full fashioned hosiery; 5 learners (T); effective February 19, 1944, expiring February 18, 1945.

H. K. Stork & Company, Adamstown, Pennsylvania; Seamless hosiery, 5 learners (T); effective February 17, 1944, expiring February 16, 1945.

West Creek Hosiery Company, Sprague Avenue, West Creek, New Jersey; full fashioned

hosiery; one learner (T); effective February 16, 1944, expiring February 15, 1945.

Whisnant Hosiery Mills, Fourth Street, Hickory, North Carolina; seamless hosiery; 5 percent (T); effective February 18, 1944, expiring February 17, 1945.

TEXTILE INDUSTRY

Charles H. Bacon Company, Lenoir City, Tennessee; cotton yarn; 5 percent (AT); effective February 16, 1944, expiring August 15, 1944.

Grantville Mills, Grantville, Georgia; cotton yarns; 3 percent (T); effective February 18, 1944, expiring February 17, 1945.

Pacific Mills—Granby Plant, Columbia, South Carolina; cotton grey goods; 3 percent (T); effective February 16, 1944, expiring February 15, 1945.

South Hill Industries, Inc., South Hill, Virginia; narrow textiles, fiberglass insulating tapes, parachute tapes and civilian items; 3 learners (T); effective February 19, 1944, expiring February 18, 1945.

CIGAR INDUSTRY

John H. Swisher & Son, Inc., Valdosta, Georgia, cigars; 10 percent (T); cigar machine operating, cigar packing for a learning period of 320 hours, stripping machine operating for a learning period of 160 hours at 75% of applicable minimum; effective February 17, 1944, expiring February 16, 1945.

Signed at New York, N. Y., this 19th day of February 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-2602; Filed, February 23, 1944; 9:19 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Camark Pottery, Pottery Road, Camden, Arkansas; pottery; 2 learners (T); wacher

trimmer for a learning period of 160 hours at 35¢ per hour, effective February 23, 1944, expiring May 3, 1944.

Queen Glass Company, La Vale Street, Cumberland, Maryland; Glass cutting; 2 learners (T); glass cutting for a learning period of 520 hours at 30¢ an hour for the first 320 hours and 35 cents per hour for the next 200 hours; effective February 18, 1944, expiring August 18, 1944.

Waverly Publishing Company, 391 E. Bremer Ave., Waverly, Iowa; Printing and Publishing; 2 learners (T); Printer for a learning period of 480 hours at 30¢ per hour; effective March 3, 1944, expiring September 2, 1944.

Signed at New York, N. Y., this 19th day of February 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-2603; Filed, February 23, 1944; 9:19 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-507, G-508, G-510, G-516, G-519]

HOPE NATURAL GAS CO., ET AL.

ORDER PROVIDING FOR ORAL ARGUMENT

FEBRUARY 21, 1944.

In the matters of Hope Natural Gas Company, Docket No. G-507; New York State Natural Gas Corporation, Docket No. G-508; The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Docket No. G-510; United Fuel Gas Company, Docket No. G-516; Home Gas Company, Docket No. G-519.

It appearing to the Commission that:

(a) In the session of hearing in the above-entitled proceedings (consolidated for hearing) held on February 18, 1944, the parties, including the several applicants and interveners, through their respective trial counsel in open hearing agreed that oral argument before the Commission sitting *en banc*, with the trial examiner sitting with the Commission, may be substituted for the usual course of filing briefs, following the expected early conclusion of the hearing now in progress and in connection therewith stated their respective requests for allotments of time for such oral argument;

(b) The suggested procedure thus agreed to by the parties would, while preserving all necessary safeguards, save considerable time and enable the Commission earlier to dispose finally of the proceedings; and

(c) Early final action is, in the circumstances, desirable and probably essential.

The Commission finds that:

The suggested substitute procedure would be fair and adequate and in the circumstances particularly advantageous.

And the Commission orders that:

(1) Oral argument on the issues be held before the Commission sitting *en banc*, the trial examiner sitting with the Commission, on March 3, 1944, beginning at 9:30 a. m., in the Hearing Room of the Commission at 1800 Pennsylvania Avenue NW., Washington, D. C.,

(2) The several counsel representing the applicants and interveners as well as counsel of the Commission's staff have respectively the allotments of time for argument requested by them as reported in the transcript of the session of hearing held on February 18, 1944; and

(3) Any of such counsel who may choose to do so, may file with the Commission at the time of argument, a memorandum of points and authorities.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-2597; Filed, February 23, 1944;
9:19 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 164, General Permit 12]

REFRIGERATION OF ARIZONA AND CALIFORNIA CITRUS FRUITS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration to any refrigerator car loaded with not less than 693 boxes of citrus fruits originating in Arizona or California.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2609; Filed, February 23, 1944;
11:23 a. m.]

[S. O. 178, General Permit 5]

REFRIGERATION OF CONCENTRATED CITRUS JUICE

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.328, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the furnishing or supplying of a refrigerator car or cars to be loaded with, or the transporting or moving of a refrigerator car or cars loaded with concentrated citrus juice; to any destination in the United States.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 19th day of February, 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2610; Filed, February 23, 1944;
11:23 a. m.]

[S. O. 182, Special Permit 1, Amended]

REFRIGERATION OF FLORIDA POTATOES

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.322, 9 F.R. 1729) of Service Order No. 182 of February 9, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 182 insofar as it applies to the acceptance for transportation and the movement of one hundred (100) railroad freight cars (including refrigerator cars), loaded with potatoes, other than sweet, between February 19, 1944, and April 1, 1944, from any point in the State of Florida to any destination located west of the westernmost boundaries of the States of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, shipped as follows:

25 cars by Dade County Growers Exchange.

12 cars by American Fruit Growers, Inc. South Miami, Florida.

63 cars by M. M. Minkler Company, Goulds, Florida.

100 cars total: *Provided, That:*

No common carrier by railroad subject to the Interstate Commerce Act shall accept or execute a reconsignment or diversion order, at any point except in the States of Florida or Georgia, requiring the transportation or movement of any railroad freight car (including a refrigerator car), loaded with potatoes, other than sweet, originating at any point in the State of Florida, to any point located west of the States set forth above.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of February 1944.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 44-2611; Filed, February 23, 1944;
11:23 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 177]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN UTICA AND LAKE PLACID, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority

¹ Filed as part of the original document.

of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 23, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of February 1944.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

APPENDIX 1

Marasco & Marasco Trucking Co., 624 Varick St., Utica, N. Y.

Ross Auto Express, 1601 Mohawk St., Utica, N. Y.

[F. R. Doc. 44-2604; Filed, February 23, 1944; 11:03 a. m.]

[Supp. Order ODT 3, Rev. 178]

COMMON CARRIER

COORDINATED OPERATIONS BETWEEN BAY CITY AND SAGINAW, MICH.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of

the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all rea-

sonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to it by the Supplementary Order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective February 23, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 23d day of February 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Phillip Bertram Genger, doing business as John Wahl Cartage, 1890 Abbott St., Detroit, Mich.

The National Transit Corporation, 1637 West Fort St., Detroit, Mich.

[F. R. Doc. 44-2605; Filed, February 23, 1944; 11:03 a. m.]

RAILROAD RETIREMENT BOARD.

[Jurisdictional Docket 24]

ERIE RAILROAD CO. AND SEABOARD TERMINAL AND REFRIGERATION CO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the creditability of service rendered under freight handling contracts between the Erie Railroad Company and the Seaboard Terminal and Refrigeration Company.

Notice is hereby given that upon the request of one of the parties and by virtue of the authority vested in me by General Counsel Order dated November 27, 1943 (8 F.R. 16768) issued pursuant to Regulations under the Railroad Unemployment Insurance Act, (45 U.S.C. 351-367) Part 319 §§ 319.42 et seq. (7 F.R. 4777), the hearing in the above-entitled matter which has been set for March 1, 1944, at 10:00 a. m. in Room 1038, Morgan Annex Building, 341 Ninth Avenue, New York, New York (9 F.R. 596), is postponed to March 27, 1944 at 10:00 a. m. and will be held in Room 1030 of that building.

Dated: February 21, 1944.

[SEAL] LOUIS TURNER,
Examiner.

[F. R. Doc. 44-2601; Filed, February 23, 1944; 9:19 a. m.]

¹Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region II Order G-2 Under RMPR 269]

KOSHER KILLED POULTRY EXCEPT DUCKS IN NEW YORK CITY METROPOLITAN AREA

Order No. G-2 under § 1429.14 under Revised Maximum Price Regulation No. 269. Maximum base prices of kosher-killed poultry except ducks in the New York City Metropolitan Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration for Region 2 by § 1429.14 of Revised Maximum Price Regulation No. 269, this order is hereby issued.

SECTION 1. What this order does. This order establishes temporary maximum base prices for kosher-killed poultry items, except ducks, in the New York City metropolitan area. For so long as it remains in effect it supersedes Revised Maximum Price Regulation No. 269 insofar as it establishes maximum base prices for kosher-killed poultry, except ducks, in that area. The base prices established by this order are to be used in determining maximum selling prices in the New York City metropolitan area instead of the base prices established by Revised Maximum Price Regulation No. 269. All other provisions of Revised Maximum Price Regulation No. 269 continue in effect. (Maximum base prices for all other poultry items, except ducks, in the New York City metropolitan area and elsewhere in Region 2 are established by Order No. G-1 under § 1429.14 of Revised Maximum Price Regulation No. 269, which is issued simultaneously herewith.)

SEC. 2. Where this order applies. This order applies in the City of New York and the Counties of Nassau, Suffolk and Westchester in the State of New York, and the Counties of Essex, Hudson and Union in the State of New Jersey.

SEC. 3. Maximum base prices for kosher-killed poultry items in the New York City Metropolitan Area—(a) Maximum base prices for Grade A kosher-killed poultry items, except ducks, for sales to bona fide buyers of kosher-killed poultry.

Type	Weight	Maximum base price (cents per pound)
Broilers and fryers.....	Under 3½ lbs.....	36.0
Roasters.....	3½ and over.....	38.0
Capons, light.....	Under 5½.....	36.0
Capons, heavy.....	5½ and over.....	39.0
Fowl.....	All.....	32.0
Stags and old roosters.....	All.....	27.5
Geese.....	All.....	31.0
Young turkeys:		
Light.....	Under 16.....	44.0
Medium.....	16-20.....	42.0
Heavy.....	20 and over.....	40.5
Old turkeys:		
Light.....	Under 16.....	42.0
Medium.....	16-20.....	40.0
Heavy.....	20 and over.....	38.5

(b) *Base prices of grades other than Grade A.* The maximum base prices es-

tablished by this section are for Grade A poultry items. The maximum base prices for lower grades and for poultry items which would otherwise be eligible for Grade A base prices except for the provisions of Revised Maximum Price Regulation No. 269 shall be determined by deductions from the base prices established by this order as required in § 1429.19 of Revised Maximum Price Regulation No. 269.

(c) *Base prices for sales to persons other than bona fide buyers of kosher-killed poultry.* (1) The base prices established by paragraphs (a) and (b) of this section may only be used in determining maximum selling prices for sales to a bona fide buyer of kosher-killed poultry (that is, to a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals) located within a radius of 50 miles from the point of slaughter.

(2) For sales to any person who is not a bona fide buyer of kosher-killed poultry located within a radius of 50 miles from the point of slaughter, the base prices established by paragraphs (a) and (b) of this section shall be reduced one cent per pound.

SEC. 4. Effective date. This order shall become effective at 12:01 on February 14, 1944, and shall expire at the termination of existing § 1429.19 (b) (1) (i) (c) of RMPR 269.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; RMPR 269, 7 F.R. 10708, 8 F.R. 6736, 9299, 10940)

Issued this 7th day of February 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 44-2540; Filed, February 21, 1944; 5:15 p. m.]

[Region III Order G-12 Under RMPR 122]

SOLID FUELS IN PADUCAH, KY.

Order No. G-12 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the City of Paducah in the State of Kentucky.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the regional administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Paducah in the State of Kentucky. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in the City of Paducah in the State of Kentucky; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-12; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash sales on a "direct delivery" basis; Column III shows maximum prices for "yard sales" to dealers reselling coal and for "yard sales" to consumers. All prices are for cash sales on a net ton basis.

Column I	Column II	Column III
High volatile bituminous coals from producing district No. 9 (Western Kentucky):		
A. Lump and egg—Size Group Nos. 1 through 6 (all single-screened lump coals and all double-screened raw, washed or air-cleaned egg coals, top size larger than 2"):		
1. From the 6th Seam Mines.....	\$5.05	\$5.45
2. From the 9th and 11th Seam Mines.....	5.25	4.75
B. Stove, nut and pea:		
1. Raw, Size Group Nos. 8 through 12 (all double-screened raw or washed stove coals, top size larger than 1½" but not exceeding 2" and bottom size larger than ¾"). All raw double-screened nut, stoker, and pea top size not exceeding 2" and bottom size larger than 10 mesh or ¾":		
a. From the 6th Seam Mines.....	5.70	5.00
b. From the 14th Seam Mines.....	4.75	4.25
2. Washed or air-cleaned, Size Group Nos. 17 through 22 (all washed or air-cleaned, double-screened nut, stoker and pea top size not exceeding 2", dedusted washed screenings bottom size larger than 1 millimeter and top size not exceeding 2"):		
a. From the 9th and 11th Seam Mines.....	4.85	4.35
b. From the 14th Seam Mines.....	4.75	4.25

All terms used herein to describe size, volatility and producing district are those established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-12 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Carry or wheel-in from curb.....	Per ton \$0.25
Extra charge for credit after 30 days....	.25
Trimming in the bin.....	.25

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, he need not so separately state this tax on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the regional administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective, October 1, 1943.

(j) *Right of amendment or revocation.* The regional administrator or price administrator may amend, revoke, or rescind this order, or any provisions thereof, at any time.

(k) *Records.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices: sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Louisville District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G-12 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 9, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2537; Filed, February 21, 1944;
5:14 p. m.]

[Region III Order G-21 Under RMFR 122]

SOLID FUELS IN ALLIANCE, OHIO

Order No. G-21 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for specified solid fuels in the City of Alliance in the State of Ohio.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the corporate limits of the City of Alliance in the State of Ohio. These are the highest prices that any dealer may charge when he delivers such fuel at or to a point in the City of Alliance in the State of Ohio, and they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-21; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a higher price than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* (1) *Price schedules.* This schedule sets forth maximum gross prices for sales of specified sizes, kinds and quantities of solid fuels on a "direct delivery" basis. All prices are for credit sales on a net ton basis subject to discounts hereinafter set forth.

ALLIANCE, OHIO

SCHEDULE I

Maximum
gross price
per net ton

I. High Volatile Bituminous Coals from Producing District No. 8 (eastern Kentucky and southeastern West Virginia):	
A. Lump—Size Group Nos. 1 and 2 (larger than 3"):	
1. Mine Price Classifications E through J	\$8.70
2. Mine Price Classifications K through O	8.50
B. Egg—Size Group No. 6 (top size larger than 5" but not exceeding 6" x bottom size 2" and smaller; top size 3" but not exceeding 5" x bottom size larger than 2" but not exceeding 3")—Mine Price Classifications G through I	
	8.25
II. High Volatile Bituminous Coals from Producing District No. 4 (Ohio):	
A. Lump:	
1. From the Ohio No. 8 Freight Origin District:	
a. Size Group No. 1 (larger than 5")	6.75
b. Size Group No. 2 (larger than 2" but not exceeding 5")	6.60
c. Size Group No. 3 (larger than 1½" but not exceeding 2")	6.35
2. From the Middle Freight Origin District:	
a. Size Group No. 1 (larger than 5")	6.65
b. Size Group No. 2 (larger than 2" but not exceeding 5")	6.55
c. Size Group No. 3 (larger than 1½" but not exceeding 2")	6.30
B. Egg—From the Ohio No. 8 Freight Origin District:	
1. Size Group No. 2 (double screened; bottom size larger than 2")	6.60
2. Size Group No. 3 (double screened; bottom size larger than 1½" but not exceeding 2")	6.15
C. Stoker—From the Ohio No. 8 Freight Origin District:	
Size Group No. 5 (double screened; top size 2" and smaller)	6.40
III. High volatile lump coals from Producing District No. 2 (western Pennsylvania)	
Size Group No. 2 (larger than 2" but not exceeding 5")—Mine Price Classification A	
	7.65

(2) *Discounts*—(1) *Discounts for payment within fifteen days.* All prices quoted are gross prices on "direct delivery" sales and shall be subject to a discount of \$0.20 per ton where payment is made within fifteen days after date of delivery.

(ii) *"Yard sales" discounts.* Discounts for sales of one ton or more on "yard sales" to the following classes of purchasers, shall be:

Equipped dealers purchasing for resale	\$1.00
Unequipped dealers purchasing for resale	.75
Consumers	.50

(3) *Descriptive terms.* All terms used herein to describe size, volatility, and producing district are those established and defined by the Bituminous Coal Division of the United States Department of Interior and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-21 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of service charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Service Schedule

Carrying or wheeling from curb	\$0.50 per ton.
Carrying up or down one flight of stairs	\$0.75 per ton.
One-half ton deliveries	½ of the ton price plus \$0.25.

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be

collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, the dealer need not so separately state on the sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the regional administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provisions of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the regional administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The regional administrator or price administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(l) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices

set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing; the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Cleveland District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant, operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(6) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to terms used herein, and in full force and effect.

(o) *Applicability of this order.* To the extent applicable, the provisions of this

order supersede Revised Maximum Price Regulation No. 122.

This order No. G-21 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 9, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2536; Filed, February 21, 1944;
5:14 p. m.]

[Region VI Order G-7 Under RMPR 122,
Amdt. 3]

SOLID FUELS IN WILLMAR, MINN.

Amendment No. 3 to Order No. G-7 under revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum Prices for solid fuels sold in Willmar, Minnesota.

Pursuant to the authority vested in the regional administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, *It is ordered*, That section V of the price schedule set forth in paragraph (c) (1) of Order No. G-7 be and it is hereby amended to read as follows:

Description	Direct delivery	Price at yard
V. By Product Coke:		
1. Egg, Store, Nut.....	\$14.85	\$14.10

This Amendment No. 3 to General Order No. G-7 shall become effective February 15, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-2539; Filed, February 21, 1944;
5:15 p. m.]

[Region VI Order G-10 Under MPR 165]

BOWLING IN MILWAUKEE, WIS.

Order No. G-10 under Maximum Price Regulation No. 165. Services. Bowling prices in Milwaukee County, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by section 114 (d) of Maximum Price Regulation No. 165; Services, it is hereby ordered:

a. *What this order covers.* This order establishes maximum prices for

games of ten pin bowling in bowling alleys located in Milwaukee County, Wisconsin.

b. *The maximum prices established.* The maximum price for any ten pin bowling game shall be 25¢ per game.

c. *Lower prices.* Lower prices than those provided in this order may be charged and paid.

d. *Posting of maximum prices.* Instead of the posting provisions contained in § 1499.654 (e) of Supplementary Order No. 4 to Maximum Price Regulation No. 165, each bowling alley shall exhibit a poster in a manner plainly visible to the patrons of the establishment, in substantially the following form:

OPA has set a maximum price for bowling in Milwaukee County, Wisconsin of 25¢ per game.

Each seller shall keep a copy of this order available for inspection by bowling patrons.

This order shall become effective February 19, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-2538; Filed, February 21, 1944;
5:14 p. m.]

[Region VIII Order G-7 Under MPR 280,
Amdt. 1]

FLUID MILK IN BURLINGTON, WASH.

Amendment No. 1 to Order No. G-7 under Maximum Price Regulation No. 280, as amended. Maximum prices for specific food products (milk).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.817a of Maximum Price Regulation No. 280, *It is hereby ordered*, That Order No. G-7 be amended as follows:

(a) Paragraph (a) is hereby amended by adding a new paragraph (a) (3) to read as follows:

(3) Notwithstanding any of the foregoing provisions of this paragraph, the maximum prices at which the Skagit County Dairymen's Association may sell milk as a handler f. o. b. its plant located in Burlington, Washington, shall be 82¢ per pound milk fat.

This amendment to Order No. G-7 shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNWAX,
Acting Regional Administrator.

[F. R. Doc. 44-2543; Filed, February 21, 1944;
5:16 p. m.]

[Region VIII Order G-32 Under MPR 329]

FLUID MILK IN STATE OF WASHINGTON

Order No. G-32 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered*:

(a) The maximum price at which any person may purchase milk from a producer who is a member of the Skagit County Dairymen's Association where such milk is delivered to the plant of the purchaser shall be 82¢ per pound milk fat.

(b) *Definitions.* (1) "Fluid milk" means liquid cow's milk in a raw, unprocessed state sold for human consumption as fluid milk.

(2) "Producer" means a farmer, or other person or representative, who owns, superintends, manages, or otherwise controls the operation of a farm on which milk is produced. Farmers' co-operatives are producers with regard to all sales of "milk" by them except that "milk" processed for them by operators of milk receiving or processing plants and except that "milk" handled in physical facilities for receiving, processing or distributing milk which are owned or leased by the cooperative.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNWAX,
Acting Regional Administrator.

[F. R. Doc. 44-2544; Filed, February 21, 1944;
5:15 p. m.]

[Region VIII Order G-33 Under MPR 329]

FLUID MILK IN STATE OF WASHINGTON

Order No. G-33 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk in certain localities in the State of Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.402 (c) of Maximum Price Regulation No. 329, *It is hereby ordered*:

(a) The maximum price at which the Enumclaw Cooperative Creamery Company may purchase milk for resale for human consumption as fluid milk from a producer member who did not sell milk for resale as fluid milk during January, 1943, shall be: 85¢ per pound milk fat delivered to the purchaser's plant.

(b) *Definitions.* (1) All of the terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) This order may be revoked, amended, or corrected at any time.

This order shall become effective February 20, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 15th day of February 1944.

BEN. C. DUNIWAY,
Acting Regional Administrator.

[F. R. Doc. 44-2545; Filed, February 21, 1944;
5:16 p. m.]

[Region I Order G-52, Under RMPR 122]

SOLID FUELS IN PUTNAM, CONN., AREA

Order No. G-52 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Putnam, Connecticut, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Putnam, Connecticut, Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefore shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-52 is explained in paragraph (1) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-52. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-52 provides uniform allowances, discounts, price differentials, service charges, and so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of Connecticut, or

any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth maximum prices for sale of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis at any point in the Putnam, Connecticut, Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$16.75	\$8.00	\$4.70	\$1.00
Pea.....	15.70	7.35	4.45	.95
Buckwheat.....	13.05	7.65	3.80	.80
Rice.....	11.85	6.50	3.50	.75
Jeddo Highland: Egg, stove & chestnut.....	17.75	9.40	4.95	1.05
Coke—Koppers or Providence: Egg, stove and chestnut.....	16.50	8.75	4.65	.95

(2) *Quantity and other special discounts.* (a) The foregoing per net ton prices shall be reduced by one dollar (\$1.00) per ton on sales of railroad carload lots when the entire contents of a railroad car are sold to one purchaser at one time. On such sales, the number of tons sold shall be considered to be the number of tons shown on the railroad's freight bill for the car, regardless of the actual number of tons that may be shown by reweighing or unloading.

(b) The foregoing per net ton prices, including the per net ton prices as reduced in accordance with subparagraph (a) of this paragraph (b) (2), shall be reduced by fifty cents per ton on all sales to religious and charitable organizations and institutions.

(3) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point, exclusive of charges for carries up or down flights of stairs.....	Cents 50	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	50	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer

in the Putnam, Connecticut, Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$15.75	\$8.40	\$4.45	\$0.90
Pea.....	14.70	7.85	4.20	.85
Buckwheat.....	12.05	6.55	3.55	.70
Rice.....	10.95	6.00	3.25	.65
Yard screenings.....	2.50			
Jeddo Highland: Egg, stove and chestnut.....	16.75	8.60	4.70	.95
Coke—Koppers or Providence: Egg, stove and chestnut.....	15.50	8.25	4.40	.90

The maximum price for yard sales of 55 pound bags of coke to consumers shall be 65 cents per bag.

(2) *Quantity and other special discounts.* The provisions of subparagraph (2) of paragraph (b) shall be applicable to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 55 and 100 pounds are for 55 or 100 pounds bagged, exclusive of deposit charges on bags furnished by the dealer. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of deposit charges on bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the dealer shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 10 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) above, including those prices as reduced by any discounts required by subparagraph (2) of paragraph (b) and subparagraph (2) of paragraph (c), shall, except in the case of Pennsylvania anthracite yard screenings, be reduced by \$1.00 per ton or by 50 cents per half-ton, or by 25 cents per quarter ton, which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 10 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Putnam, Connecticut, Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut.	\$13.75	\$6.90	\$3.45
Pea	12.70	6.35	3.20
Buckwheat	10.05	5.05	2.55
Rice	8.95	4.50	2.25
Yard screenings	2.50		
Jeddo highland:			
Egg, stove and chestnut	14.75	7.40	3.70
Coke—Koppers or Providence:			
Egg, stove and chestnut	13.50	6.75	3.40

(2) *Quantity discount.* The provisions of subparagraph (2) (a) of paragraph (b) shall be applicable to the foregoing maximum prices for yard sales to dealers.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(4) *Maximum authorized bagging and deposit charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging, exclusive of any deposit charges on bags furnished by the seller:

	Cents
Per net ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amount which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by the seller shall be 25 cents per bag.

(f) *Temporary price increase, Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this Order G-52, the term:

(1) "Putnam, Connecticut, Area" shall include the following cities and towns in the State of Connecticut: Ashford, Brooklyn, Eastford, Killingly, Hampton, Pomfret, Putnam, Thompson, Union and Woodstock.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and Koppers and Providence coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Broken," "egg," "stove," "chestnut," etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(6) "Koppers coke" means the by-product coke produced by the Koppers Coke Company at its plant in New Haven, Connecticut.

(7) "Providence coke" means the re-tort gas coke produced by the Providence Gas Company, Providence, Rhode Island.

(8) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(9) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(10) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(11) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(12) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier; *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton; and *Provided, further,* That the dealer need not state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in

Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-52 shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 44-2583; Filed, February 22, 1944;
12:21 p. m.]

[Region I Order G-53 Under RMPR 122]

SOLID FUELS IN BELLOWES FALLS AREA
(VT. AND N. H.)

Order No. G-53 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Bellows Falls Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *Maximum prices established by this order.* The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Bellows Falls Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth.

Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum

prices for the specified solid fuels, for specified services.

The geographical applicability of this Order G-53 is explained in paragraph (i) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provision of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-53. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-53 provides uniform allowances, discounts, price differentials, service charges, add so forth. Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the States of Vermont and New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) *Price Schedule I: Sales on a delivered basis.* (1) Price Schedule I sets forth base maximum prices for sales of specified kinds, sizes and quantities of solid fuels on a "direct delivery" basis to consumers at any point in the Bellows Falls Area.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$16.00	\$8.95	\$4.75	\$1.10
Pea.....	14.60	7.50	4.15	1.00
Buckwheat.....	12.90	6.95	3.75	.90
Rice.....	11.80	6.40	3.45	.85
Yard screenings.....	4.00			
Jeddo Highland or Greenwood: Egg, stove and chestnut.....	17.15	9.10	4.80	1.10
Coke: Egg, stove and chestnut.....	16.15	8.60	4.55	1.05

(2) *Prices for specified localities.* (a) The foregoing base prices in Price Schedule I shall apply to deliveries to consumers whose bins or storage facilities are located in the following places:

The incorporated villages of Bellows Falls and Saxtons River in the township of Rockingham, Vermont.

The incorporated village of Westminster in the township of Westminster, Vermont.

The entire township of Walpole, New Hampshire. Any point within five (5) miles of the dealer's yard in the entire remaining portion of the Area.

(b) The following amounts may be added to the foregoing base prices in Price Schedule I for deliveries to buyers whose bins or storage facilities are not located in the incorporated villages of Bellows Falls, Saxtons River and Westminster, Vermont, or the township of Walpole, New Hampshire, and are located more than five (5) miles from the dealer's yard:

Distance (miles):	Amount of Addition
More than 5, but not more than 7.....	\$0.50
More than 7, but not more than 10.....	1.00
More than 10.....	1.50

(3) *Quantity discount.* The foregoing per net ton prices shall be reduced by 50 cents per ton when the purchaser orders 20 or more net tons for immediate

delivery or for delivery at one specified time and the dealer may properly, under any orders of the Solid Fuels Administration for War which are then in effect, deliver at least 20 tons to the purchaser at the time specified by the purchaser.

(4) *Maximum authorized service and deposit charges.* (a) The maximum prices per 100 pounds include carrying or wheeling to buyer's bin or storage space. If the buyer requests such service of him, the dealer may make the following charges for carrying or wheeling of quarter-ton and larger quantities to the buyer's bin or storage space:

	Per net ton	Per ½ ton	Per ¼ ton
For any carry or wheeling from a "direct delivery" point exclusive of charges for carties up or down flights of stairs.....	Cents 60	Cents 25	Cents 15
For any carry up or down flights of stairs, per flight.....	60	25	15

(b) If the buyer requests that fuel delivered in burlap bags furnished by the dealer be left in the bags, the maximum amount which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be 25 cents per bag.

(c) *Price Schedule II: Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Bellows Falls Area to consumers.

Kind and size	Per net ton	½ ton	¼ ton	100 lbs.
Pennsylvania anthracite: Broken, egg, stove and chestnut.....	\$15.00	\$8.45	\$4.50	\$0.00
Pea.....	13.60	7.30	3.80	.80
Buckwheat.....	11.90	6.45	3.60	.70
Rice.....	10.80	6.00	3.20	.65
Yard screenings.....	3.50			
Jeddo Highland or Greenwood: Egg, stove and chestnut.....	16.15	8.60	4.55	.60
Coke: Egg, stove, and chestnut.....	15.15	8.10	4.30	.85

(2) *Quantity discount.* The provisions of subparagraph (3) of paragraph (b) shall apply to the foregoing maximum prices for yard sales to consumers.

(3) *Maximum authorized bagging charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons, and one-quarter tons, exclusive of any charges for bags furnished by the dealer:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter ton.....	15

(b) The maximum amount which may be charged by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags furnished by him shall be 25 cents per bag.

(d) *Terms of sale; sales to consumers.* If payment is made by the buyer within 15 days after receipt of the fuel, the maximum prices set forth in paragraphs (b) and (c) including those prices as reduced by the quantity discount required by subparagraph (3) of paragraph (b) and subparagraph (2) of paragraph (c), shall, except in the case of Pennsylvania Anthracite yard screenings, be reduced by \$1.00 per ton, or by 50 cents per half-ton, or by 25 cents per quarter-ton, which reductions are "cash discounts." No further discount is required for cash on delivery, and no "cash discount" is required on sales of Pennsylvania Anthracite yard screenings or on any sales of less than a quarter-ton. If payment is not required or made at the time of delivery or (except in the cases of yard screenings and less than quarter-ton lots) within 15 days thereafter, terms shall be net 30 days.

(e) *Price Schedule III: Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds; sizes and quantities of solid fuels delivered at the yard of any dealer in the Bellows Falls Area to dealers in fuels who resell them.

Kind and size	Per net ton	½ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove, and chestnut.....	\$14.40	\$7.20	\$3.60
Pea.....	12.10	6.05	3.03
Buckwheat.....	10.40	5.20	2.60
Rice.....	9.30	4.65	2.33
Yard screenings.....	3.50		
Jeddo Highland and Greenwood:			
Egg, stove, and chestnut.....	14.65	7.33	3.70
Coke:			
Egg, stove, and chestnut.....	13.65	6.83	3.42

(2) *Maximum authorized bagging charges.* (a) If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons, exclusive of any charges for bags furnished by the seller:

	Cents
Per net ton.....	50
Per half-ton.....	25
Per quarter-ton.....	15

(b) The maximum amount which may be charged by the seller as a deposit on, or as predetermined liquidated charges for failure to return burlap bags furnished by him shall be 25 cents per bag.

(3) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days, or net 10 days E. O. M.

(f) *Temporary price increase; Pennsylvania anthracite.* The provisions of Region I Supplementary Order No. 4 under Revised Maximum Price Regulation No. 122 shall apply to the prices for Pennsylvania anthracite contained in this order, as long as said Supplementary Order No. 4 remains in effect.

(g) *Definitions.* When used in this Order G-53, the term:

(1) "Bellows Falls Area" shall include the entire area of the following cities, towns and townships in the states of New Hampshire and Vermont:

In New Hampshire: Alstead and Walpole.
In Vermont: Athens, Grafton, Rockingham and Westminster.

(2) "Specified solid fuels" shall include all Pennsylvania anthracite and coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Jeddo Highland" means that Pennsylvania anthracite which is prepared at Jeddo #7 breaker and Highland #5 breaker of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed by said company under the trade names "Jeddo Coal," "Highland Coal," or "Hazle Brook Coal."

(5) "Greenwood" means that Pennsylvania anthracite which is produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite."

(6) "Broken," "egg," "stove," "chestnut," etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(7) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(8) "Direct delivery" means dumping or chuting the fuel from the seller's truck or wagon directly into the buyer's bin or storage space; but, if that is physically impossible, the term means discharging the fuel directly from the seller's truck at the point where this can be done which is nearest and most accessible to the buyer's bin or storage space.

(9) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(10) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(11) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton: *And provided further,* That the dealer need not

state separately from his selling price the amount of said tax on a sale to the United States or any agency thereof, any state government or any political subdivision thereof.

(i) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the area covered by this order, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the area covered by this order, regardless of whether the dealer is located within said area.

(j) *Quality standards; Pennsylvania anthracite.* The specific maximum prices set forth in this order for broken, egg, stove, chestnut, pea, buckwheat and rice sizes of Pennsylvania anthracite may be charged only for Pennsylvania anthracite of those sizes the ash content of which does not exceed that specified in Regulation No. 9 of the Solid Fuels Administration for War for the particular size. No Pennsylvania anthracite of the said sizes which has an ash content in excess of the foregoing shall be sold or delivered in the area covered by this order until the Regional Administrator of Region I has established a specific maximum price therefor in line with the level of maximum prices established by this order. Any dealer who wishes to sell or deliver any such coal shall apply to the Regional Administrator for the establishment of a price, setting forth in his application:

(i) The size of the coal and the ash content upon a dry basis, by weight;

(ii) The tonnage;

(iii) The name and address of the dealer's supplier;

(iv) The price paid, f. o. b. supplier's shipping point;

(v) The cost of transportation to the dealer's yard, dock or other terminal facility (net after compensatory adjustment if the dealer is eligible for such adjustment under Revised Compensatory Adjustment Regulation No. 1);

(vi) Any other pertinent information which the Regional Office may request.

The price will be established either by an amendment of this order or by a letter to the applicant.

(k) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(l) *Posting of maximum prices: Sales slips and receipts.* (1) Every dealer subject to this order shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this order available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. All postings shall include the relevant terms of sale. The prices established hereby need

not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall give to each purchaser an invoice or similar document showing (a) the date of the sale or delivery, and the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, and the price charged; and (b) separately stating any special services rendered and other charges made and the amount charged therefor. This paragraph shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December, 1941, customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(m) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof, showing the date, the name and address of the buyer (if known), the per net ton price charged and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. The record shall also separately state each service rendered and the charge made for it.

(n) *Petitions for amendment.* Any person seeking an amendment of any provision of this Order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

(o) This order may be revoked, amended or corrected at any time.

NOTE: The reporting and record keeping provisions of this Order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-53 shall become effective February 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

FRANK D. O'NEIL,

Acting Regional Administrator.

[F. R. Doc. 44-2582; Filed, February 22, 1944; 12:21 p. m.]

[Region III Order G-18 Under RMPR 122]

SOLID FUELS IN PARKERSBURG, W. VA., AREA

Order No. G-18 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

Maximum prices for specified solid fuels in the Parkersburg, West Virginia, Area.

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) *What this order does.* This order establishes maximum prices for sales of specified solid fuels made within the City of Parkersburg, West Virginia, and within a radius of five miles from the corporate limits thereof. These are the highest prices that any dealers may charge when he delivers such fuel at or to a point in such area; they are also the highest prices that any buyer in the course of trade or business may pay for them.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this Order No. G-18; but less than maximum prices may at any time be charged, paid or offered;

(2) Obtain a higher than ceiling price by:

(i) Charging a price higher than the scheduled price for a service or making a charge for a service not authorized by this order,

(ii) Making a charge higher than the scheduled charge authorized for the extension of credit,

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly,

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with any requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government.

(c) *Schedule for sales of coal.* This schedule sets forth maximum prices for cash sales of specified sizes, kinds and quantities of solid fuels. Column I describes the coal for which prices are established; Column II shows maximum prices for cash or credit sales on a "direct delivery" basis; Column III shows maximum prices for cash or credit "yard sales" to other dealers or to consumers. All prices are on a net ton basis.

Column I	Column II	Column III
I. HIGH VOLATILE BITUMINOUS COALS FROM PRODUCING DISTRICT NO. 3 (FAIRMONT)		
(a) Lump:		
Orders and deliveries in lots of—	Per ton	Per ton
1 ton.....	\$5.90	\$5.05
2 tons.....	5.75	5.05
3 tons.....	5.65	5.05
4 tons.....	5.55	5.05
Less than 1 ton.....	6.38	.30
(b) Stoker:		
Orders and deliveries in lots of—	Per ton	Per ton
1 ton.....	5.80	5.10
2 tons.....	5.70	5.10
3 tons.....	5.60	5.10
4 tons.....	5.50	5.10

There are no quantity discounts except those set forth above in this price schedule.

All terms used herein to describe size, volatility and producing district are those that were established and defined by the Bituminous Coal Division and in effect as of midnight, August 23, 1943.

(d) The maximum prices for all sales by dealers of solid fuel not provided for by this Order No. G-18 shall be the maximum prices established by Revised Maximum Price Regulation No. 122.

(e) *Schedule of services and credit charges.* This schedule sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Every service charge shall be separately stated in the dealer's invoice.

Per ton
Shovelling as herein defined..... \$0.50
Carrying or wheeling from curb..... 1.00
Carrying up or down stairs..... 1.00

(f) *The transportation tax.* The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. However, it need not be so separately stated on a sale to the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

(g) *Addition of increase in suppliers prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereon; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Regional Administrator.

(h) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(i) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72, effective October 1, 1943.

(j) *Right of amendment or revocation.* The Regional Administrator or Price Administrator may amend, revoke, or rescind this order, or any provision thereof, at any time.

(k) *Records.* Every person making a sale of solid fuel for which a maximum price is set by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged and the type and kind of solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also separately state each service rendered and the charge made for it.

(1) *Posting of maximum prices; sales slips.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged and separately stating any item which is required to be separately stated by this order.

(m) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the Charleston District Office of the Office of Price Administration.

(n) *Definitions and explanations.* (1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space.

(5) "Yard sales" shall mean sales and deliveries made by the dealer in his customary manner at his yard.

(6) "Shoveling" is defined to mean the unloading of the truck by shovel, rather than by dumping.

(7) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122, as amended, shall apply to the terms used herein, and in full force and effect.

(c) *Applicability of this order.* To the extent applicable, the provisions of this

order supersede Revised Maximum Price Regulation No. 122.

NOTE: The reporting and record keeping provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-18 under Revised Maximum Price Regulation No. 122 shall become effective February 15, 1944.

(56 Stat. 23, 765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued February 11, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2531; Filed, February 22, 1944;
12:21 p. m.]

[Region III Order G-40 Under RMPP 122]

COKE IN YOUNGSTOWN, OHIO, AREA

Order No. G-40 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Sales of certain coke in the Youngstown, Ohio, Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.259 of Revised Maximum Price Regulation No. 122, it is hereby ordered:

(a) Any dealer in solid fuels in the City of Youngstown, Ohio, may, for all sales of coke which is shipped into Youngstown from coke ovens in Massillon, Ohio, and which is sold and delivered in Youngstown, Ohio, may charge and receive not in excess of the higher of the following amounts:

(1) \$10.09 per ton.

	Name	Style of dressing	Size	Price in cents (Bulks) ex-vessel	Per pounds (cents) (boxed)
Table A: Producers.....	Smelt.....	Round.....	AD.....	3 1/2	5
Table B: Primary fish shippers sales.....	Smelt.....	Round.....	AD.....		0 1/2
Table C: Retailer owner cooperative sales.....	Smelt.....	Round.....	AD.....		8
Table D: Cash and carry sales.....	Smelt.....	Round.....	AD.....		9
Table E: Service and delivery sales.....	Smelt.....	Round.....	AD.....		11 1/2

This amendment shall become effective 8:00 o'clock p. m., February 19, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2585; Filed, February 22, 1944;
12:22 p. m.]

[Region I Supp. Order 2 Under RMPP 122,
Amdt. 1]

PENNSYLVANIA ANTHRACITE IN NEW
ENGLAND REGION

Amendment No. 1 to Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Named Pennsylvania anthracites.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional

(2) Any maximum price established by such dealer under the provisions of Revised Maximum Price Regulation No. 122.

(b) All customary allowances, discounts, and price differentials shall be maintained.

(c) This order may be amended, modified or revoked at any time by the Office of Price Administration.

This order shall become effective February 11, 1944.

(56 Stat. 23, 765, Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 11, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 44-2530; Filed, February 22, 1944;
12:21 p. m.]

[Region VIII Order G-3 Under MPR 418,
Amdt. 1]

SMELT IN SAN FRANCISCO REGION

Amendment No. 1 to Order No. G-3 under Maximum Price Regulation No. 418, as amended. Fresh fish and seafood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 20 (a) of Maximum Price Regulation No. 418, paragraph (a) is hereby amended to read as set forth below:

(a) The maximum prices for sales of smelt (*Eulachon* or *Thaleichthys Pacificus*) in Region VIII of the Office of Price Administration shall be as follows:

	Name	Style of dressing	Size	Price in cents (Bulks) ex-vessel	Per pounds (cents) (boxed)
Table A: Producers.....	Smelt.....	Round.....	AD.....	3 1/2	5
Table B: Primary fish shippers sales.....	Smelt.....	Round.....	AD.....		0 1/2
Table C: Retailer owner cooperative sales.....	Smelt.....	Round.....	AD.....		8
Table D: Cash and carry sales.....	Smelt.....	Round.....	AD.....		9
Table E: Service and delivery sales.....	Smelt.....	Round.....	AD.....		11 1/2

Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Supplementary Order No. 2 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. The following is added to the table in paragraph (a):

Kind and size	Amount of addition			
	Per net ton	Per 1/2 ton	Per 1/4 ton	Per 100 lbs.
Legitts Creek "or" Black Stork: Egg, glove, chestnut, pea, buckwheat, and rice.....	\$0.25	\$0.15	\$0.05	None

2. Subparagraph (10) is added to paragraph (d), to read as follows:

(10) "Legitts Creek" and "Black Stork" both mean that Pennsylvania anthra-

cite which is produced and prepared by Penn Anthracite Collieries Company, Scranton, Pennsylvania, and which meets the quality and preparation standards established by Order No. 5 under Maximum Price Regulation No. 112.

This Amendment No. 1 shall become effective February 24, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of February 1944.

FRANK D. O'NEIL,
Acting Regional Administrator.

[F. R. Doc. 44-2584; Filed, February 22, 1944;
12:22 p. m.]

[Region VI Order G-11 Under RMPR 122]

SOLID FUELS IN THE CHICAGO AREA

Correction

In F.R. Doc. 44-1256, appearing on page 956 of the issue for Wednesday, January 26, 1944, the column 6 price for item I, 7 of the table under paragraph (c) should read "8.55".

[Region I Order G-9 Under RMPR 122,
Amdt. 5]

SOLID FUELS IN METROPOLITAN BOSTON AREA

Amendment No. 5 to Order No. G-9 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Specified solid fuels; Metropolitan Boston Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942 as amended, Region I Order No. G-9 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In Price Schedule I in paragraph (b) (1) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

2. In Price Schedule II in paragraph (b) (2) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

3. In Price Schedule III in paragraph (b) (3) (a), the words "Red Ash" are deleted at both places where they appear, and the word "Franklin" is inserted in place thereof.

4. In paragraph (f) (2) the words "Red Ash" are deleted, and the word "Franklin" is inserted in place thereof.

5. Paragraph (f) (6) is revoked, and a new paragraph (f) (6) is inserted, to read as follows:

(f) *Definitions.* When used in this Order G-9, the term:

(6) "Franklin" means that Pennsylvania anthracite which is prepared at the

Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley."

This amendment No. 5 to Order No. G-9 shall become effective March 1, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of February 1944.

KENNETH B. BACKMAN,
Regional Administrator.

[F. R. Doc. 44-2596; Filed, February 22, 1944;
4:50 p. m.]

[Region VIII Order G-2 Under 18 (c),
Amdt. 21]

FLUID MILK IN CERTAIN LOCALITIES IN CALIFORNIA

Amendment No. 21 to Order No. G-2 under § 1499.18 (c) of the General Maximum Price Regulation, as amended. Fluid milk prices at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 and under the authority reserved in Order No. G-2 under § 1499.18 (c) of the General Maximum Price Regulation to amend said order at any time, said Order No. G-2 is hereby amended as set forth below:

(a) Schedule B is hereby amended by striking out the heading "Placer and Nevada Counties, except the portion east of the crest of the Sierra Nevada" and by substituting therefor the following: "Nevada County, except the portion east of the crest of the Sierra Nevada, and Placer County, except the portion contained within the Sacramento marketing area and the portion east of the crest of the Sierra Nevada."

This amendment shall become effective February 23, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 18th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2594; Filed, February 22, 1944;
4:50 p. m.]

[Region VIII Order G-3 Under MPR 136,
as Amended]

INSIDE CURING RIMS MANUFACTURED BY STEEL FORMING CORP., LOS ANGELES, CALIF.

Order No. G-3 under Maximum Price Regulation No. 136 as amended. Machines and parts and machinery services. Adjusted maximum prices for inside curing rims manufactured by Steel Forming Corporation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1390.25a of Maximum Price Regulation No. 136 as amended, it is hereby ordered:

(a) The adjusted maximum prices which may be charged for inside curing rims, size 4 inches to 5 $\frac{1}{16}$ inches, manufactured by Steel Forming Corporation, Los Angeles, California, or its receivers, trustees, or successors are established to be as follows:

(1) For sales by the manufacturer, the adjusted maximum net price shall be \$14.50 per rim.

(2) For resales at wholesale by Balloon Tire Mould Company, Los Angeles, California, the adjusted maximum net price shall be \$18.50 per rim.

(3) For resales at retail by any dealer whose place of business is located within the Eighth Region of the Office of Price Administration, the adjusted maximum price shall be \$24.20.

(b) This order may be amended, revoked, or corrected at any time.

This order shall become effective February 21, 1944, and shall expire 90 days thereafter.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 19th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2593; Filed, February 22, 1944;
4:49 p. m.]

[Region VIII, Order G-3 Under MPR 418, as Amended, Correction]

FISH AND SEAFOOD IN SAN FRANCISCO REGION

On January 20, 1944, an order entitled Order No. G-2 under Maximum Price Regulation No. 418, as amended, was issued effective January 25, 1944. The title of this document should read "Order No. G-3 under Maximum Price Regulation No. 418, as amended."

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 16th day of February 1944.

CHAS. R. BAIRD,
Acting Regional Administrator.

[F. R. Doc. 44-2595; Filed, February 22, 1944;
4:50 p. m.]

[Region V Order G-1 Under TMPR 28]

MODIFICATION OF PRICES OF CERTAIN LISTED VEGETABLES IN DALLAS REGION

Correction

In F.R. Doc. 44-1148, appearing on page 925 of the issue for Tuesday, January 25, 1944, the first undesignated paragraph under paragraph (f) (4) should read: "In figuring the maximum price which a wholesaler may charge, he should figure 'his cost' as follows:"